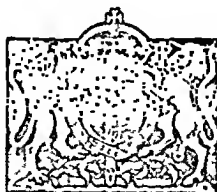


GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

THE
UNREPEALED GENERAL ACTS
OF
THE GOVERNOR GENERAL IN COUNCIL:
WITH CHRONOLOGICAL TABLE AND AN
INDEX.

From Act I of 1914 to Act XLIX of 1920.

VOL. VI.
FIFTH EDITION.



CALCUTTA GOVERNMENT OF INDIA
CENTRAL PUBLICATION BRANCH
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PREFACE.

THIS, the sixth volume of the General Acts, has been compiled on the same lines as the five preceding volumes and contains the unrevoked General Acts of the Governor General in Council passed from the year 1914 to 1920. An index to the volume is as usual appended.

The Acts included in this volume are printed as modified up to the 31st December, 1927.

A. L. BANERJEE,
*Assistant Secretary, Legislative Department,
Government of India.*

SRILA :
The 13th July, 1929.

LIST OF ABBREVIATIONS USED.

Aj. Code	For Ajmer Code.
Bal. Code	„ Baluchistan Code.
Ben. Code	„ Bengal Code.
Bom. Code	„ Bombay Code.
Bur. Code	„ Burma Code.
B. & O. Code	„ Bihar and Orissa Code.
O. P. Code	„ Central Provinces Code.
Mad. Code	„ Madras Code.
Punj. and N.-W. F. Code	„ Punjab and North-West Frontier Code.
U. P. Code	„ United Provinces Code.
Coll. Stat.	„ Collection of Statutes relating to India.
Gen. R. and O.	„ General Statutory Rules and Orders.
Ben. R. and O.	„ Bengal List of Local Statutory Rules and Orders.
Bom. R. and O.	„ Bombay List of Local Rules and Orders.
C. P. R. and O.	„ Central Provinces List of Local Rules and Orders.
Mad. R. and O.	„ Madras List of Local Rules and Orders.
Punj. R. and O.	„ Punjab List of Local Rules and Orders.
U. P. R. and O.	„ United Provinces List of Local Rules and Orders.
Assam R. and O.	„ Assam Local Statutory Rules and Orders.
Bur. R. M.	„ Burma Rules Manual.
Rep.	„ Repealed.
Am.	„ Amended.
Sch.	„ Schedule.

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Year.	No.	Short title.	How repealed or otherwise affected by legislation.	Where published.
1	2	3	4	5
1914	IX	The Local Authorities Loans Act, 1914.	Am. (in C. P.), C. P. Act 1 of 1922. Rep. in pt., and am. Act 38 of 1920. Rep. in pt., Act 12 of 1927.	68
"	X	The Repealing and Amending Act, 1914.	Am. Act 31 of 1920. Rep. in pt., Act 5 of 1920. Act 10 of 1920. Act 38 of 1920. Act 2 of 1924. Act 12 of 1927.	73
"	XI	The Indian Companies (Amendment) Act, 1914.	79
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"	XIII	The Indian Life Assurance Companies (Amendment) Act, 1914.	83
"	XIV	The Indian Post Office and Telegraph (Amendment) Act, 1914.	84
"	XV	The Indian Army (Amendment) Act, 1914.	84
"	XVI	The Indian Aircraft (Amendment) Act, 1914.	86
"	XVII	The Second Repealing and Amending Act, 1914.	Sch. I, rep. in pt., Act 4 of 1916, s. 5. Rep. in pt., Act 12 of 1927.	88
1915	III	The Foreigners (Amendment) Act, 1915.	91
"	VII	*The Delhi Laws Act, 1915.	Am. Act 18 of 1919. Rep. in pt., Act 10 of 1927.	92
"	IX	The Sea Customs (Amendment) Act, 1915.	97
"	XI	The Repealing and Amending Act, 1915.	Rep. in pt., Act 6 of 1924. Act 12 of 1927.	98
"	XVI	The Benares Hindu University Act, 1915.	Am. Act 3 of 1922.	100
1916	I	The Indian Trusts (Amendment) Act, 1916.	122

*No Local Code has been published for Delhi Province.

UNREPEALED ACTS OF THE GOVERNOR GENERAL IN COUNCIL, 1914-1920—*could*

Year.	No.	Short title.	How repealed or otherwise affected by legislation.	Where published.
1	2	3	4	5
1916	IV	The Indian Thrift (Amendment) Act, 1916.	Rep in pt. Act 6 of 1921. Act 12 of 1927.	123
"	VI	The Indian Ports (Amendment) Act, 1916	....	125
"	VII	The Indian Medical Degrees Act, 1916.	....	129
"	XII	The Indian Lunacy (Amendment) Act, 1916.	....	131
"	XIII	The Amending Act, 1916 .	....	132
"	XV	The Hindu Disposition of Property Act, 1916	..	135
1917	I	The Inland Steam-vessels Act, 1917.	Am. Act 6 of 1920. Act 11 of 1923 Rep in pt. Act 28 of 1920. Act 12 of 1927.	137
"	II	The Motor Spirit (Duties), Act, 1917.	S. 1, Am Act 3 of 1919. Am. Act 13 of 1923.	160
"	V	The Destruction of Records Act, 1917.	Rep. in pt., Act 12 of 1927. Rep. in pt. and am. (in U. P.) U. P. Act 12 of 1922.	171
"	VI	The Indian Tariff (Amendment) Act, 1917.	Rep in pt., Act 6 of 1921.	173
"	X	The Indian Army (Amendment) Act, 1917	..	174
"	XIV	The Prevention of Cruelty to Animals (Amendment) Act, 1917.	....	176
"	XV	The Indian Registration (Amendment) Act, 1917.	177
"	XVII	The Government Savings Banks (Amendment) Act, 1917	178

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COUNCIL, 1914-1920—*contd.*

Year.	No.	Short title.	How repealed or otherwise affected by legislation.	Where published.
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1917	XVIII	The Post Office Cash Certificates Act, 1917.	Am. Act 32 of 1920.	178
"	XXI	The Indian Trusts (Amendment) Act, 1917.	180
"	XXIII	The Presidency & Small Cause Courts (Amendment) Act, 1917.	180
"	XXIV	The Repealing and Amending Act, 1917.	Rep. in pt., Act 12 of 1927.	181
"	XXVI	The Transfer of Property (Validating) Act, 1917.	183
1918	II	The Cinematograph Act, 1918.	Am. Act 23 of 1919. Rep. in pt., and Am. Act 38 of 1920.	185
"	IV	The Indian Coinage (Amendment) Act, 1918.	189
"	X	The Usurious Loans Act, 1918.	Am. Act 28 of 1926.	191
"	XI	The Indian Army (Amendment) Act, 1918.	Rep. in pt., Act 12 of 1927.	191
"	XVI	The Provisional Collection of Taxes Act, 1918.	Am. Act 11 of 1923.	202
"	XX	The Indian Companies (Foreign Interests) Act, 1918.	203
"	XXII	The Bronze Coin (Legal Tender) Act, 1918.	205
"	XXIII	The Cotton Cloth Act, 1918.	206
1919	I	The Local Authorities Pensions and Gratuities Act, 1919.	Am. Act 38 of 1920.	200
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"	X	The Excess Profits Duty Act, 1919	214
"	XII	The Poisons Act, 1919	Am Act 33 of 1920 Rep in pt., Act 12 of 1927.	224
"	XIII	The Sea Customs (Amendment) Act, 1919	. . .	227
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"	XVIII	The Repealing and Amending Act, 1919	Rep in pt., Act 11 of 1922, Act 2 of 1924 Act 39 of 1925, Act 12 of 1927.	228
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"	XXVII	The Indemnity Act, 1919	.	237
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"	V	The Provincial Insolvency Act, 1920.	Am Act 9 of 1920 Act 34 of 1926 (when it comes into force) Act 39 of 1926 Act 11 of 1927. Virtually amended Act 10 of 1927. Rep in pt., Act 34 of 1926 Act 12 of 1927.	240
"	VI	The Inland Steam vessels (Amendment) Act, 1920	..	241
"	VIII	The Dourine (Amendment) Act, 1920	. .	242
"	IX	The Glanders and Farcy (Amendment) Act, 1920	. .	244

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Year.	No.	Short title.	How repealed or otherwise affected by legislation.	Where published.
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1920	X	The Indian Securities Act, 1920.	Rep. in pt., Act 12 of 1927. Am. Act 21 of 1927.	285
..	XI	The Presidency-towns Insolvency (Amendment) Act, 1920.	208
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1920	XXXVII	The Indian Army (Amendment) Act, 1920	Rep in pt., Act 12 of 1927	325
"	XXXVIII	The Devolution Act, 1920	Rep in pt., Act 5 of 1922 Act 21 of 1923 Sch I rep (as to Ben Act 3 of 1879) Act, 5 of 1923 Rep (as to Act 17 of 1908), Act 11 of 1923 Rep in pt., Act 6 of 1924 Sch I rep (as to Act 9 of 1897), Act 19 of 1925 Rep in pt., Act 3 of 1925 Act 39 of 1925 Act 12 of 1927 Act 16 of 1927. Rep as to Act 2 of 1912, in its application to Bombay, by Bom Act 7 of 1925 Rep as to Act 2 of 1912 in its application to Burma, by Bur Act 9 of 1927	327
"	XXXIX	The Indian Elections Offices and Inquiries Act, 1920		363
"	XL	The Aligarh Muslim University Act, 1920	Rep in pt and Am., Act 7 of 1924	371
"	XLI	The Indian Companies (Amendment) Act, 1920		406
"	XLVI	The Cutchi Memons Act, 1920	Am Act 34 of 1923	406
"	XLVII	The Imperial Bank of India Act, 1920	Am Act 7 of 1924 Act 17 of 1924 Rep in pt., Act 12 of 1927	408
"	XLVIII	The Indian Territorial Force Act, 1920	Am Act 31 of 1923	444
"	XLIX	The Auxiliary Force Act, 1920	Am Act 31 of 1923 Rep in pt., Act 12 of 1927	454

THE
UNREPEALED GENERAL ACTS
OF THE
GOVERNOR GENERAL IN COUNCIL.

ACT No. I of 1914.¹

[16th January, 1914.]

An Act further to amend the Code of Civil Procedure, 1908.

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908; It is hereby enacted as follows:—

1. This Act may be called the Code of Civil Procedure (Amendment) Short title, Act, 1914

2. To section 8 of the Code of Civil Procedure, 1908 (hereinafter referred to as "the said Code"), the following provisos shall be added, namely —

Addition of
provisos to
section 8,
Code of Civil
Procedure,
1908.

" Provided that—

(1) the High Courts of Judicature at Fort William, Madras and Bombay, as the case may be, may from time to time, by notification in the local official Gazette, direct that any such provisions not inconsistent with the express provisions of the Presidency Small Cause Courts Act, 1882, and with such modifications and adaptations as may be specified in the notification, shall extend to suits or proceedings or any class of suits or proceedings in such Court.

(2) All rules heretofore made by any of the said High Courts under section 9 of the Presidency Small Cause Courts Act, 1882, shall be deemed to have been validly made "

¹ For Statement of Objects and Reasons, see Gazette of India, 1913, Pt. V, p. 12, and for Proceedings in Council, see ibid., 1913, Pt. VI, pp. 153, 225; 1914, 1914, Pt. VI, p. 153.

Amendment
of section 67,
Code of Civil
Procedure,
1908.

3. Section 67 of the said Code shall be renumbered section 67 (I) and to the same section the following sub-section (2) shall be added, namely :—

“(2) When on the date on which this Code came into operation in any local area, any special rules as to sale of land in execution of decrees were in force therein, the Local Government may, by notification in the local official Gazette, declare such rules to be in force, or may, with the previous sanction of the Governor General in Council, by a like notification, modify the same. Every notification issued in the exercise of the powers conferred by this sub-section shall set out the rules so continued or modified.”

ACT No. II OF 1914.¹

[3rd February, 1914.]

An Act to prevent the introduction into British India of any insect, fungus or other pest, which is or may be destructive to crops.

WHEREAS it is expedient to make provision for preventing the introduction into British India of any insect, fungus or other pest, which is or may be destructive to crops; It is hereby enacted as follows :—

Short title. 1. This Act may be called the Destructive Insects and Pests Act, 1914.

Definitions. 2. In this Act, unless there is anything repugnant in the subject or context,—

- (a) “ crops ” includes all agricultural or horticultural crops, and trees or bushes;
- (b) “ import ” means the bringing or taking by sea or land; and
- (c) “ infection ” means infection by any insect, fungus or other pest injurious to a crop.

¹ For Statement of Objects and Reasons, see Gazette of India, 1913, Pt. V, p. 166; for Report of Select Committee, see *ibid*, 1914, Pt. V, p. 7; and for Proceedings in Council, see *ibid*, 1913, Pt. VI, p. 518, *ibid*, 1914, Pt. VI, pp. 64 and 188.

3. (1) The Governor General in Council may, by notification in the Gazette of India, prohibit or regulate, subject to such restrictions and conditions as he may impose, the import into British India, or any part thereof, or any specified place therein, of any article or class of articles likely to cause infection to any crop

Power of Governor General in Council to regulate or prohibit the import of articles likely to infect

(2) A notification under this section may specify any article or class of articles, either generally or in any particular manner, whether with reference to the country of origin, or the route by which imported or otherwise

VIII of 1878 4. A notification under section 3 shall operate as if it had been issued under section 19 of the Sea Customs Act, 1878, and the officers of Customs at every port shall have the same powers in respect of any article with regard to the importation of which such a notification has been issued as they have for the time being in respect of any article the importation of which is regulated, restricted or prohibited by the law relating to Sea Customs, and the law for the time being in force relating to Sea Customs or any such article shall apply accordingly

Operation of notification under section 3

5 (1) The Local Government may, subject to the control of the Governor General in Council, make rules for the detention, inspection, disinfection or destruction of any article or class of articles in respect of which a notification has been issued under section 3 or of any article which may have been in contact or proximity thereto and for regulating the powers and duties of the officers whom it may appoint in this behalf

Power of Local Government to make rules

(2) In making any rule under this section the Local Government may direct that a breach thereof shall be punishable with fine, which may extend to one thousand rupees

6 No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act

Protection to persons acting under Act

THE INDIAN COPYRIGHT ACT, 1914 (III OF 1914).

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THE FIRST SCHEDULE.

PORTIONS OF THE COPYRIGHT ACT APPLICABLE TO BRITISH INDIA.

THE SECOND SCHEDULE.

Repeal of Enactments. (Repealed.)

(Chapter I.—Preliminary. Chapter II.—Construction and Modification of the Copyright Act.)

ACT No. III of 1914.¹

[24th February, 1914.]

An Act to modify and add to the provisions of the Copyright Act, 1911.

WHEREAS it is expedient to modify and add to the provisions of the ²Copyright Act, 1911, in its application to British India; It is hereby enacted as follows:— 1 & 2 Geo. 5, c. 46.

CHAPTER I.

PRELIMINARY.

Short title and extent.

1. (1) This Act may be called the Indian Copyright Act, 1914.

(2) It extends to the whole of British India including British Baluchistan, the District of Angul and the Sonthal Parganas.

Definitions:

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) “ the Copyright Act ” means the Act of Parliament entitled the ²Copyright Act, 1911: and

1 & 2 Geo. 5, c. 46.

(2) words and expressions defined in the Copyright Act have the same meanings as in that Act.

CHAPTER II.

CONSTRUCTION AND MODIFICATION OF THE COPYRIGHT ACT.

Application of Copyright Act to British India with adaptations.

3. In the application to British India of the Copyright Act (a copy of which Act, except such of the provisions thereof as are expressly restricted to the United Kingdom, is set out in the First Schedule), the following modifications shall be made, namely:—

(1) the powers of the Board of Trade under section 3 shall, in the case of works first published in British India, be exercised by the Governor General in Council;

¹ For Statement of Objects and Reasons, see Gazette of India, 1913, Pt. V, p. 163; for Report of Select Committee, see *ibid*, 1914, Pt. V, p. 23; and for Proceedings in Council, see *ibid*, 1913, Pt. VI, p. 515, *ibid*, 1914, Pt. VI, pp. 12 and 369.

² Coll. Stat., Vol. II, and *infra*.

(Chapter II—Construction and Modification of the Copyright Act)

- (2) the powers of the Board of Trade under section 19 shall, as regards records, perforated rolls and other contrivances, the original plate of which was made in British India, be exercised by the Governor General in Council; and the confirmation of Parliament shall not be necessary to the exercise of any of these powers,
- (3) the references in section 19, sub-section (4), and in section 21, sub-section (1), to arbitration shall be read as references to arbitration in accordance with the law for the time being in force in that part of British India in which the dispute occurs,
- (4) as regards works the authors whereof were at the time of the making of the works resident in British India, and as regards works first published in British India, the reference in section 22 to the Patents and Designs Act, 1907, shall be construed as a reference to the Indian Patents and Designs Act, 1911, and the reference in the said section to section 86 of the Patents and Designs Act, 1907, shall be construed as a reference to section 77 of the Indian Patents and Designs Act, 1911;
- (5) as regards works first published in British India, the reference in section 21, sub-section (1), proviso (a), to the London Gazette and two London newspapers shall be construed as a reference to the Gazette of India and two newspapers published in British India; and the reference in proviso (b) of the same sub-section of the same section to the 26th day of July, 1910, shall, as regards works the authors whereof were at the time of the making of the works resident in British India, and as regards works first published in British India, be construed as a reference to the 30th day of October, 1912

4 (1) In the case of works first published in British India, copyright shall be subject to this limitation that the sole right to produce, reproduce, perform or publish a translation of the work shall subsist only for a period of ten years from the date of the first publication of the work.

Provided that if within the said period the author, or any person to whom he has granted permission so to do, publishes a translation

Modification of copyright as regards translation of works first published in British India

7 Edw. VII,
c. 29.

II of 1911.

7 Edw. VII,
c. 29.

II of 1911.

(Chapter II.—Construction and Modification of the Copyright Act.)

of any such work in any language, copyright in such work as regards the sole right to produce, reproduce, perform or publish a translation in that language shall not be subject to the limitation prescribed in this sub-section.

(2) For the purposes of sub-section (1) the expression "author" includes the legal representative of a deceased author.

Musical
works made
by resident
of, or first
published in,
British
India.

5. In the application of the Copyright Act to musical works the authors whereof were at the time of the making of the works resident in British India, or to musical works first published in British India, the term "musical work" shall, save as otherwise expressly provided by the Copyright Act, mean "any combination of melody and harmony, or either of them, which has been reduced to writing".

Importation
of copies.

6. (1) Copies made out of British India of any work in which copyright subsists which if made in British India would infringe copyright, and as to which the owner of the copyright gives notice in writing by himself or his agent to the Chief Customs officer, as defined in the Sea Customs Act, 1878, that he is desirous that such copies should not be imported into British India, shall not be so imported, and shall, subject to the provisions of this section, be deemed to be prohibited imports within the meaning of section 18 of the Sea Customs Act, VIII of 1878 1878.

(2) Before detaining any such copies, or taking any further proceedings with a view to the confiscation thereof, such Chief Customs officer, or any other officer appointed by ¹[the Chief Customs-authority] in this behalf, may require the regulations under this section, whether as to information, security, conditions or other matters, to be complied with, and may satisfy himself, in accordance with these regulations, that the copies are such as are prohibited by this section to be imported.

(3) The Governor General in Council may, by notification in the Gazette of India, make regulations, either general or special, respecting the detention and confiscation of copies the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled

¹ These words were substituted by s. 4 of the Central Board of Revenue Act, 1924 (4 of 1924).

(Chapter II—Construction and Modification of the Copyright Act.
Chapter III.—Penalties)

before such detention and confiscation; and may, by such regulations, determine the information, notices and security to be given, and the evidence requisite for any of the purposes of this section, and the mode of verification of such evidence.

(4) Such regulations may apply to copies of all works the importation of copies of which is prohibited by this section, or different regulations may be made respecting different classes of such works

(5) The regulations may provide for the informant re-imbursing the Secretary of State for India in Council all expenses and damages incurred in respect of any detention made on his information, and of any proceedings consequent on such detention, and may provide that notices given under the Copyright Act to the Commissioners of Customs and Excise of the United Kingdom, and communicated by that authority to any authority in British India, shall be deemed to have been given by the owner to the said Chief Customs officer.

(6) This section shall have effect as the necessary modification of section 14 of the Copyright Act.

CHAPTER III.

PENALTIES.

7. If any person knowingly—

- (a) makes for sale or hire any infringing copy of a work in which copyright subsists; or
- (b) sells or lets for hire, or by way of trade exposes or offers for sale or hire, any infringing copy of any such work; or
- (c) distributes infringing copies of any such work, either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or
- (d) by way of trade exhibits in public any infringing copy of any such work; or
- (e) imports for sale or hire into British India any infringing copy of any such work;

he shall be punishable with fine which may extend to twenty rupees for every copy dealt with in contravention of this section, but not exceeding five hundred rupees in respect of the same transaction.

(Chapter III.—Penalties. Chapter IV.—Miscellaneous.)

Possession of plates for purpose of making infringing copies.

8. If any person knowingly makes, or has in his possession, any plate for the purpose of making infringing copies of any work in which copyright subsists, or knowingly and for his private profit causes any such work to be performed in public without the consent of the owner of the copyright, he shall be punishable with fine which may extend to five hundred rupees.

Punishment on second conviction.

9. If any person, after having been previously convicted of an offence punishable under section 7 or section 8, is subsequently convicted of an offence punishable under either of these sections, he shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

Power of Court to dispose of infringing copies or plates for purpose of making infringing copies.

10. (1) The Court before which any offence under this Chapter is tried may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in the possession of the alleged offender, which appear to it to be infringing copies, or plates for the purpose of making infringing copies, be destroyed or delivered up to the owner of the copyright, or otherwise dealt with as the Court may think fit.

(2) Any person affected by an order under sub-section (1) may, within thirty days of the date of such order, appeal to the Court to which appeals from the Court making the order ordinarily lie; and such appellate Court may direct that execution of the order be stayed pending consideration of the appeal.

Cognizance of offences.

11. No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence against this Act.

Interpretation of building.

12. The provisions of this Chapter shall not apply to any case to which section 9 of the Copyright Act, regarding the restrictions on remedies in the case of a work of architecture, applies.

CHAPTER IV.

MISCELLANEOUS.

Courts having civil jurisdiction regarding infringement of copyright.

13. Every suit or other civil proceeding regarding infringement of copyright shall be instituted and tried in the High Court or the Court of the District Judge.

(Chapter II —Miscellaneous)

14. No suit or other civil proceeding instituted after the 30th of October, 1912, regarding infringement of copyright in any book the author whereof was at the time of making the book resident in British India, or of any book first published in British India, shall be dismissed by reason only that the registration of such book had not been effected in accordance with the provisions of the Indian Copyright Act, 1817.

15. [Repeals] Repealed by the Repealing Act, 1927 (12 of 1927)

 THE FIRST SCHEDULE

PORTIONS OF THE COPYRIGHT ACT APPLICABLE TO BRITISH INDIA

(See Section 3)

COPYRIGHT ACT, 1911

[1 & 2 Geo 5, Ch 46]

 ARRANGEMENT OF SECTIONS

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- 4 Compulsory licences
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- 6 Civil remedies for infringement of copyright
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8. Exemption of innocent infringer from liability to pay damages, etc.
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14. Importation of copies.

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- 31. Abrogation of common law rights
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SCHEDULES

CHAPTER 16

An Act to amend and consolidate the Law relating to Copyright.

[16th December, 1911.]

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

INITIAL COPYRIGHT.

Rights

- 1. (1) Subject to the provisions of this Act, copyright shall subsist Copyright, throughout the parts of His Majesty's dominions to which this Act

(The First Schedule.—Portions of the Copyright Act applicable to British India.)

extends for the term hereinafter mentioned in every original literary, dramatic, musical and artistic work, if—

(a) in the case of a published work, the work was first published within such parts of His Majesty's dominions as aforesaid; and

(b) in the case of an unpublished work, the author was at the date of the making of the work a British subject or resident within such parts of His Majesty's dominions as aforesaid;

but in no other works, except so far as the protection conferred by this Act is extended by Orders in Council thereunder relating to self-governing dominions to which this Act does not extend and to foreign countries.

(2) For the purposes of this Act, "copyright" means the sole right to produce or reproduce the work or any substantial part thereof in any material form whatsoever, to perform, or in the case of a lecture to deliver, the work or any substantial part thereof in public; if the work is unpublished, to publish the work or any substantial part thereof; and shall include the sole right—

(a) to produce, reproduce, perform, or publish any translation of the work;

(b) in the case of a dramatic work, to convert it into a novel or other non-dramatic work;

(c) in the case of a novel or other non-dramatic work, or of an artistic work, to convert it into a dramatic work, by way of performance in public or otherwise;

(d) in the case of a literary, dramatic or musical work, to make any record, perforated roll, cinematograph film, or other contrivance by means of which the work may be mechanically performed or delivered;

and to authorise any such acts as aforesaid.

(3) For the purposes of this Act, publication, in relation to any work, means the issue of copies of the work to the public, and does not include the performance in public of a dramatic or musical work, the delivery in public of a lecture, the exhibition in public of an artistic work, or

(The First Schedule.—Portions of the Copyright Act applicable to British India.)

the construction of an architectural work of art, but for the purposes of this provision, the issue of photographs and engravings of works of sculpture and architectural works of art shall not be deemed to be publication of such works.

2. (1) Copyright in a work shall be deemed to be infringed by any person who, without the consent of the owner of the copyright, does anything the sole right to do which is by this Act conferred on the owner of the copyright: Provided that the following acts shall not constitute an infringement of copyright —

- (i) Any fair dealing with any work for the purposes of private study, research, criticism, review, or newspaper summary:
- (ii) Where the author of an artistic work is not the owner of the copyright therein, the use by the author of any mould, cast, sketch, plan, model, or study made by him for the purpose of the work, provided that he does not thereby repeat or imitate the main design of that work:
- (iii) The making or publishing of paintings, drawings, engravings, or photographs, of a work of sculpture or artistic craftsmanship, if permanently situate in a public place or buildings, or the making or publishing of paintings, drawings, engravings or photographs (which are not in the nature of architectural drawings or plans) of any architectural work of art:
- (iv) The publication in a collection, bound *volume* intended for the use of schools, and so described in the title and in any advertisements issued by the publisher, of short passages from published literary works not themselves published for the use of schools in which copyright subsists: Provided that not more than two of such passages from works by the same author are published by the same publisher within five years, and that the source from which such passages are taken is acknowledged:
- (v) The publication in a newspaper of a report of a lecture delivered in public, unless the report is prohibited by conspicuous written or printed notice affixed before and maintained during the lecture at or about the main entrance of the

(The First Schedule.—Portions of the Copyright Act applicable to British India.)

building in which the lecture is given, and, except whilst the building is being used for public worship, in a position near the lecturer; but nothing in this paragraph shall affect the provisions in paragraph (i) as to newspaper summaries:

(vi) The reading or recitation in public by one person of any reasonable extract from any published work.

(2) Copyright in a work shall also be deemed to be infringed by any person who—

(a) sells or lets for hire, or by way of trade exposes or offers for sale or hire; or

(b) distributes either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or

(c) by way of trade exhibits in public; or

(d) imports for sale or hire into any part of His Majesty's dominions to which this Act extends,

any work which to his knowledge infringes copyright or would infringe copyright if it had been made within the part of His Majesty's dominions in or into which the sale or hiring, exposure, offering for sale or hire, distribution, exhibition, or importation took place.

(3) Copyright in a work shall also be deemed to be infringed by any person who for his private profit permits a theatre or other place of entertainment to be used for the performance in public of the work without the consent of the owner of the copyright, unless he was not aware, and had no reasonable ground for suspecting, that the performance would be an infringement of copyright.

Term of
copyright.

3. The term for which copyright shall subsist shall, except as otherwise expressly provided by this Act, be the life of the author and a period of fifty years after his death:

Provided that at any time after the expiration of twenty-five years, or in the case of a work in which copyright subsists at the passing of this Act, thirty years, from the death of the author of a published work, copyright in the work shall not be deemed to be infringed by the reproduction of the work for sale if the person reproducing the work proves that he has given the prescribed notice in writing of his intention to

(The First Schedule — Portions of the Copyright Act applicable to British India)

reproduce the work, and that he has paid in the prescribed manner to, or for the benefit of, the owner of the copyright royalties in respect of all copies of the work sold by him calculated at the rate of ten per cent on the price at which he publishes the work, and, for the purposes of this proviso, the Board of Trade may make regulations prescribing the mode in which notices are to be given, and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties, including (if they think fit) regulations requiring payment in advance or otherwise securing the payment of royalties.

4. If, at any time after the death of the author of a literary, dramatic or musical work which has been published or performed in public, a complaint is made to the Judicial Committee of the Privy Council that the owner of the copyright in the work has refused to republish or to allow the republication of the work or has refused to allow the performance in public of the work, and that by reason of such refusal the work is withheld from the public, the owner of the copyright may be ordered to grant a licence to reproduce the work or perform the work in public, as the case may be, on such terms and subject to such conditions as the Judicial Committee may think fit

5. (1) Subject to the provisions of this Act, the author of a work shall be the first owner of the copyright therein

Provided that—

(a) where, in the case of an engraving, photograph, or portrait, the plate or other original was ordered by some other person and was made for valuable consideration in pursuance of that order, then, in the absence of any agreement to the contrary, the person by whom such plate or other original was ordered shall be the first owner of the copyright.

(b) where the author was in the employment of some other person under a contract of service or apprenticeship and the work was made in the course of his employment by that person, the person by whom the author was employed shall, in the absence of any agreement to the contrary, be the first owner

11. That as of the Indian Copyright Revisions 1914 have been made under the terms of a Vaidinca Agreement between Nos 11 and 12 of the Act at need and in accordance with the said Act see Gen. L. & C. Vol. IV, p. 420

(The First Schedule.—Portions of the Copyright Act applicable to British India.)

of the copyright, but where the work is an article or other contribution to a newspaper, magazine, or similar periodical, there shall, in the absence of any agreement to the contrary, be deemed to be reserved to the author a right to restrain the publication of the work, otherwise than as part of a newspaper, magazine, or similar periodical.

(2) The owner of the copyright in any work may assign the right, either wholly or partially, and either generally or subject to limitations, to the United Kingdom or any self-governing dominion or other part of His Majesty's dominions to which this Act extends, and either for the whole term of the copyright or for any part thereof, and may grant any interest in the right by licence, but no such assignment or grant shall be valid unless it is in writing signed by the owner of the right in respect of which the assignment or grant is made, or by his duly authorised agent :

Provided that, where the author of a work is the first owner of the copyright therein, no assignment of the copyright, and no grant of any interest therein, made by him (otherwise than by will) after the passing of this Act, shall be operative to vest in the assignee or grantee any rights with respect to the copyright in the work beyond the expiration of twenty-five years from the death of the author, and the reversionary interest in the copyright expectant on the termination of that period shall, on the death of the author, notwithstanding any agreement to the contrary, devolve on his legal personal representatives as part of his estate, and any agreement entered into by him as to the disposition of such reversionary interest shall be null and void, but nothing in this proviso shall be construed as applying to the assignment of the copyright in a collective work or a licence to publish a work or part of a work as part of a collective work.

(3) Where, under any partial assignment of copyright, the assignee becomes entitled to any right comprised in copyright, the assignee, as respects the rights so assigned, and the assignor, as respects the rights not assigned, shall be treated for the purposes of this Act as the owner of the copyright, and the provisions of this Act shall have effect accordingly.

(The first Schedule —Portions of the Copyright Act applicable to British India.)

Civil Remedies

6. (1) Where copyright in any work has been infringed, the owner of the copyright shall, except as otherwise provided by this Act, be entitled to all such remedies by way of injunction or interdict, damages, accounts, and otherwise, as are or may be conferred by law for the infringement of a right Civil remedies for infringement of copyright.

(2) The costs of all parties in any proceedings in respect of the infringement of copyright shall be in the absolute discretion of the Court

(3) In any action for infringement of copyright in any work, the work shall be presumed to be a work in which copyright subsists and the plaintiff shall be presumed to be the owner of the copyright, unless the defendant puts in issue the existence of the copyright, or as the case may be, the title of the plaintiff, and where any such question is in issue, then—

(a) if a name purporting to be that of the author of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the author of the work;

(b) if no name is so printed or indicated, or if the name so printed or indicated is not the author's true name or the name by which he is commonly known, and a name purporting to be that of the publisher or proprietor of the work, is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the owner of the copyright in the work for the purposes of proceedings in respect of the infringement of copyright therein

7. All infringing copies of any work in which copyright subsists, or right of any substantial part thereof, and all plates used or intended to be used for the production of such infringing copies, shall be deemed to be the property of the owner of the copyright, who accordingly may take proceedings for the recovery of the proceeds thereof or in respect of the copies, etc.

(The First Schedule.—Portions of the Copyright Act applicable to British India.)

Exemption
of innocent
infringer
from liabi-
lity to pay
damages,
etc.

8. Where proceedings are taken in respect of the infringement of the copyright in any work and the defendant in his defence alleges that he was not aware of the existence of the copyright in the work, the plaintiff shall not be entitled to any remedy other than an injunction or interdict in respect of the infringement if the defendant proves that at the date of the infringement he was not aware, and had not reasonable ground for suspecting, that copyright subsisted in the work.

Restriction
on remedies
in the case
of architec-
ture.

9. (1) Where the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work has been commenced, the owner of the copyright shall not be entitled to obtain an injunction or interdict to restrain the construction of such building or structure or to order its demolition.

(2) Such of the other provisions of this Act as provide that an infringing copy of a work shall be deemed to be the property of the owner of the copyright, or as impose summary penalties, shall not apply in any case to which this section applies.

Limitation
of actions.

10. An action in respect of infringement of copyright shall not be commenced after the expiration of three years next after the infringement.

*	*	*	*	*	*
*	*	*	*	*	*
*	*	*	*	*	*

Importation of Copies.

Importation
of copies.

14. (1) Copies made out of the United Kingdom of any work in which copyright subsists which if made in the United Kingdom would infringe copyright, and as to which the owner of the copyright gives notice in writing by himself or his agent to the Commissioners of Customs and Excise, that he is desirous that such copies should not be imported into the United Kingdom shall not be so imported, and shall subject to the provisions of this section, be deemed to be included in the table of prohibitions and restrictions contained in section 42 of the Customs Consolidation Act, 1876, and that section shall apply accordingly.

(The First Schedule.—Portions of the Copyright Act applicable to British India.)

(2) Before detaining any such copies or taking any further proceedings with a view to the forfeiture thereof under the law relating to the Customs, the Commissioners of Customs and Excise may require the regulations under this section, whether as to information, conditions, or other matters, to be complied with, and may satisfy themselves in accordance with those regulations that the copies are such as are prohibited by this section to be imported.

(3) The Commissioners of Customs and Excise may make regulations, either general or special, respecting the detention and forfeiture of copies the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and forfeiture, and may, by such regulations, determine the information, notices, and security to be given, and the evidence requisite for any of the purposes of this section, and the mode of verification of such evidence.

(4) The regulations may apply to copies of all works the importation of copies of which is prohibited by this section, or different regulations may be made respecting different classes of such works.

(5) The regulations may provide for the informant reimbursing the Commissioners of Customs and Excise all expenses and damages incurred in respect of any detention made on his information and of any proceedings consequent on such detention; and may provide for notices under any enactment repealed by this Act being treated as notices given under this section.

(6) The foregoing provisions of this section shall have effect as if they were part of the Customs Consolidation Act, 1876: Provided that, notwithstanding anything in that Act, the Isle of Man shall not be treated as part of the United Kingdom for the purposes of this section.

(7) This section shall, with the necessary modifications, apply to the importation into a British possession to which this Act extends of copies of works made out of that possession.

(See footnote to Section 1.)

(The First Schedule.—Portions of the Copyright Act applicable to British India.)

Delivery of Books to library.

Delivery of
copies to
British
Museum
and other
libraries.

15. (1) The publisher of every book published in the United Kingdom shall, within one month after the publication, deliver, at his own expense, a copy of the book to the trustees of the British Museum, who shall give a written receipt for it.

(2) He shall also, if written demand is made before the expiration of twelve months after publication, deliver within one month after receipt of that written demand or, if the demand was made before publication, within one month after publication, to some dépôt in London named in the demand a copy of the book for, or in accordance with the directions of the authority having the control of each of the following libraries, namely: the Bodleian Library, Oxford, the University Library, Cambridge, the Library of the Faculty of Advocates at Edinburgh, and the Library of Trinity College, Dublin; and, subject to the provisions of this section, the National Library of Wales. In the case of an encyclopædia, newspaper, review, magazine, or work published in a series of numbers or parts, the written demand may include all numbers or parts of the work which may be subsequently published.

(3) The copy delivered to the trustees of the British Museum shall be a copy of the whole book with all maps and illustrations belonging thereto finished and coloured in the same manner as the best copies of the book are published, and shall be bound, sewed, or stitched together, and on the best paper on which the book is printed.

(4) The copy delivered for the other authorities mentioned in this section shall be on the paper on which the largest number of copies of the book is printed for sale, and shall be in the like condition as the books prepared for sale.

(5) The books of which copies are to be delivered to the National Library of Wales shall not include books of such classes as may be specified in regulations to be made by the Board of Trade.

(6) If a publisher fails to comply with this section, he shall be liable on summary conviction to a fine not exceeding five pounds and the value of the book, and the fine shall be paid to the trustees or authority to whom the book ought to have been delivered.

(The First Schedule—Portions of the Copyright Act applicable to British India)

(7) For the purposes of this section, the expression "book" includes every part or division of a book, pamphlet, sheet of letter-press, sheet of music, map, plan, chart or table separately published, but shall not include any second or subsequent edition of a book unless such edition contains additions or alterations either in the letter press or in the maps, prints, or other engravings belonging thereto

Special Provisions as to certain works

16 (1) In the case of a work of joint authorship, copyright shall subsist during the life of the author who first dies and for a term of fifty years after his death, or during the life of the author who dies last, whichever period is the longer, and references in this Act to the period after the expiration of any specified number of years from the death of the author shall be construed as references to the period after the expiration of the like number of years from the death of the author who dies first or after the death of the author who dies last, whichever period may be the shorter, and in the provisions of this Act with respect to the grant of compulsory licences a reference to the date of the death of the author who dies last shall be substituted for the reference to the date of the death of the author Work of joint authors.

(2) Where, in the case of a work of joint authorship some one or more of the joint authors do not satisfy the conditions conferring copyright laid down by this Act, the work shall be treated for the purposes of this Act as if the other author or authors had been the sole author or authors thereof.

Provided that the term of the copyright shall be the same as it would have been if all the authors had satisfied such conditions as aforesaid

(3) For the purposes of this Act, "a work of joint authorship" means a work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors

(4) Where a married woman and her husband are joint authors of a work the interest of such married woman therein shall be her separate property

(The First Schedule.—Portions of the Copyright Act applicable to British India.)

Posthumous
works.

17. (1) In the case of a literary, dramatic or musical work, or an engraving, in which copyright subsists at the date of the death of the author or, in the case of a work of joint authorship at or immediately before the date of the death of the author who dies last, but which has not been published, nor, in the case of a dramatic or musical work, been performed in public nor, in the case of a lecture, been delivered in public, before that date, copyright shall subsist till publication, or performance or delivery in public, whichever may first happen, and for a term of fifty years thereafter and the proviso to section 3 of this Act shall, in the case of such a work, apply as if the author had died at the date of such publication or performance or delivery in public as aforesaid.

(2) The ownership of an author's manuscript after his death, where such ownership has been acquired under a testamentary disposition made by the author and the manuscript is of a work which has not been published nor performed in public nor delivered in public, shall be *prima facie* proof of the copyright being with the owner of the manuscript.

Provisions
as to Go-
vernment
publications.

18. Without prejudice to any rights or privileges of the Crown, where any work has, whether before or after the commencement of this Act, been prepared or published by or under the direction or control of His Majesty or any Government department, the copyright in the work shall, subject to any agreement with the author, belong to His Majesty, and in such case shall continue for a period of fifty years from the date of the first publication of the work.

Provisions
as to Mecha-
nical instru-
ments.

19. (1) Copyright shall subsist in records, perforated rolls, and other contrivances by means of which sounds may be mechanically reproduced, in like manner as if such contrivances were musical works, but the term of copyright shall be fifty years from the making of the original plate from which the contrivance was directly or indirectly derived, and the person who was the owner of such original plate at the time when such plate was made shall be deemed to be the author of the work, and, where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Act to reside within

(The First Schedule —Portions of the Copyright Act applicable to British India)

the parts of His Majesty's dominions to which this Act extends if it has established a place of business within such parts

(2) It shall not be deemed to be an infringement of copyright in any musical work for any person to make, within the parts of His Majesty's dominions to which this Act extends, records, perforated rolls or other contrivances by means of which the work may be mechanically performed, if such person proves—

- (a) that such contrivances have previously been made by, or with the consent or acquiescence of, the owner of the copyright in the work and
- (b) that he has given the prescribed notice of his intention to make the contrivances, and has paid in the prescribed manner to, or for the benefit of, the owner of the copyright in the work royalties in respect of all such contrivances sold by him, calculated at the rate hereinafter mentioned

Provided that—

- (i) nothing in this provision shall authorise any alterations in, or omissions from, the work reproduced unless contrivances reproducing the work subject to similar alterations and omissions have been previously made by, or with the consent or acquiescence of, the owner of the copyright, or unless such alterations or omissions are reasonably necessary for the adaptation of the work to the contrivances in question, and
- (ii) for the purposes of this provision, a musical work shall be deemed to include any words so closely associated therewith as to form part of the same work but shall not be deemed to include a contrivance by means of which sounds may be mechanically reproduced
- (3) The rate at which such royalties as aforesaid are to be calculated shall—
 - (a) in the case of contrivances sold within two years after the commencement of this Act by the person making the same, be two and one half per cent, and

(The First Schedule.—Portions of the Copyright Act applicable to British India.)

(b) in the case of contrivances sold as aforesaid after the expiration of that period, be five per cent.

on the ordinary retail selling price of the contrivance calculated in the prescribed manner, so however that the royalty payable in respect of a contrivance shall, in no case, be less than a half-penny for each separate musical work in which copyright subsists reproduced thereon, and, where the royalty calculated as aforesaid includes a fraction of a farthing, such fraction shall be reckoned as a farthing :

Provided that, if, at any time after the expiration of seven years from the commencement of this Act, it appears to the Board of Trade that such rate as aforesaid is no longer equitable, the Board of Trade may after holding a public inquiry, make an order either decreasing or increasing that rate to such extent as under the circumstances may seem just, but any order so made shall be provisional only and shall not have any effect unless and until confirmed by Parliament; but where an order revising the rate has been so made and confirmed, no further revision shall be made before the expiration of fourteen years from the date of the last revision.

(4) If any such contrivance is made reproducing two or more different works in which copyright subsists and the owners of the copyright therein are different persons, the sums payable by way of royalties under this section shall be apportioned amongst the several owners of the copyright in such proportions as, failing agreement, may be determined by arbitration.

(5) When any such contrivances by means of which a musical work may be mechanically performed have been made, then, for the purposes of this section, the owner of the copyright in the work shall, in relation to any person who makes the prescribed inquiries, be deemed to have given his consent to the making of such contrivances if he fails to reply to such inquiries within the prescribed time.

(6) For the purposes of this section, the Board of Trade may make regulations prescribing anything which under this section is to be prescribed, and prescribing the mode in which notices are to be given and the particulars to be given in such notices, and the mode, time, and

¹ See footnote to section 3.

(The First Schedule—Portions of the Copyright Act applicable to British India)

frequency of the payment of royalties, and any such regulations may, if the Board think fit, include regulations requiring payment in advance or otherwise securing the payment of royalties

(7) In the case of musical works published before the commencement of this Act, the foregoing provisions shall have effect subject to the following modifications and additions —

(a) The conditions as to the previous making by or with the consent or acquiescence of the owner of the copyright in the work, and the restrictions as to alterations in or omissions from the work shall not apply

(b) The rate of two and one half per cent shall be substituted for the rate of five per cent as the rate at which royalties are to be calculated but no royalties shall be payable in respect of contrivances sold before the 1st day of July, 1913, if contrivances reproducing the same work had been lawfully made, or placed on sale within the parts of His Majesty's dominions to which this Act extends before the 1st day of July, 1910

(c) Notwithstanding any assignment made before the passing of this Act of the copyright in a musical work, any rights conferred by this Act in respect of the making, or authorising the making of contrivances by means of which the work may be mechanically performed shall belong to the author or his legal personal representatives and not to the assignee, and the royalties aforesaid shall be payable to and for the benefit of the author of the work or his legal personal representatives

(d) The saving contained in this Act of the rights and interests arising from or in connexion with action taken before the commencement of this Act shall not be construed as authorising any person who has made contrivances by means of which the work may be mechanically performed to sell any such contrivances whether made before or after the passing of this Act except on the terms and subject to the conditions laid down in this section

(The First Schedule.—Portions of the Copyright Act applicable to British India.)

(e) Where the work is a work on which copyright is conferred by an order in Council relating to a foreign country, the copyright so conferred shall not, except to such extent as may be provided by the Order, include any rights with respect to the making of records, perforated rolls or other contrivances by means of which the work may be mechanically performed.

(8) Notwithstanding anything in this Act where a record, perforated roll, or other contrivance by means of which sounds may be mechanically reproduced has been made before the commencement of this Act, copyright shall, as from the commencement of this Act, subsist therein in like manner and for the like term as if this Act had been in force at the date of the making of the original plate from which the contrivance was directly or indirectly derived :

Provided that—

(i) the person who, at the commencement of this Act, is the owner of such original plate shall be the first owner of such copyright ; and

(ii) nothing in this provision shall be construed as conferring copyright in any such contrivance if the making thereof would have infringed copyright in some other such contrivance, if this provision had been in force at the time of the making of the first-mentioned contrivance.

Provision as
to political
speeches.

20. Notwithstanding anything in this Act it shall not be an infringement of copyright in an address of a political nature delivered at a public meeting to publish a report thereof in a newspaper.

Provision as
to photo-
graphs.

21. The term for which copyright shall subsist in photographs shall be fifty years from making of the original negative from which the photograph was directly or indirectly derived, and the person who was owner of such negative at the time when such negative was made shall be deemed to be the author of the work, and, where such owner is a body corporate the body corporate shall be deemed for the purposes of this Act to reside within the parts of His Majesty's dominions to which this Act extends if it has established a place of business within such parts.

(The First Schedule — Portions of the Copyright Act applicable to British India)

22 (1) This Act shall not apply to designs capable of being registered under the Patents and Designs Act, 1907, except designs which, though capable of being so registered, are not used or intended to be used as models or patterns to be multiplied by any industrial process.

Provisions to designs registerable under 7 Edw 7, c 29

(2) General rules under section 86 of the Patents and Designs Act, 1907, may be made for determining the conditions under which a design shall be deemed to be used for such purposes as aforesaid.

23. If it appears to His Majesty that a foreign country does not give, or has not undertaken to give, adequate protection to the works of British authors, it shall be lawful for His Majesty by Order in Council to direct that such of the provisions of this Act as confer copyright on works first published within the parts of His Majesty's dominions to which this Act extends, shall not apply to works published after the date specified in the Order, the authors whereof are subjects or citizens of such foreign country, and are not resident in His Majesty's dominions, and thereupon those provisions shall not apply to such works.

Works of foreign authors first published in parts of His Majesty's dominions to which Act extends

24 (1) Where any person is immediately before the commencement of this Act entitled to any such right in any work as is specified in the first column of the First Schedule to this Act, or to any interest in such a right, he shall, as from that date, be entitled to the substituted right set forth in the second column of that schedule, or to the same interest in such a substituted right and to no other right or interest, and such substituted right shall subsist for the term for which it would have subsisted if this Act had been in force at the date when the work was made and the work had been one entitled to copyright thereunder.

Existing works

Provided that—

(a) if the author of any work in which any such right as is specified in the first column of the First Schedule to this Act subsists at the commencement of this Act has, before that date, assigned the right or granted any interest therein for the whole term of the right then at the date when, but for the passing of this Act the right would have expired the substituted right conferred by this section shall, in the absence of express agreement, pass to the author of the

(The First Schedule.—Portions of the Copyright Act applicable to British India.)

work, and any interest therein created before the commencement of this Act and then subsisting shall determine; but the person who immediately before the date at which the right would have so expired was the owner of the right or interest shall be entitled at his option either—

- (i) on giving such notice as hereinafter mentioned, to an assignment of the right or the grant of a similar interest therein for the remainder of the term of the right for such consideration as, failing agreement, may be determined by arbitration; or
- (ii) without any such assignment or grant, to continue to reproduce or perform the work in like manner as theretofore subject to the payment, if demanded by the author within three years after the date at which the right would have so expired, of such royalties to the author as, failing agreement, may be determined by arbitration, or, where the work is incorporated in a collective work and the owner of the right or interest is the proprietor of that collective work, without any such payment;

The notice above referred to must be given not more than one year nor less than six months before the date at which the right would have so expired, and must be sent by registered post to the author, or, if he cannot with reasonable diligence be found, advertised in the London Gazette and in two London newspapers;

- (b) where any person has, before the 26th day of July, 1910, taken any action whereby he has incurred any expenditure or liability in connexion with the reproduction or performance of any work in a manner which at the time was lawful, or for the purpose of or with a view to the reproduction or performance of a work at a time when such reproduction or performance would, but for the passing of this Act, have been lawful, nothing in this section shall diminish or prejudice any rights or interest arising from or in connexion with such action which are subsisting and valuable at the

(The First Schedule.—Portions of the Copyright Act applicable to British India.)

said date, unless the person who by virtue of this section becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by arbitration.

(2) For the purposes of this section, the expression "author" includes the legal personal representatives of a deceased author.

(3) Subject to the provisions of section 19, sub-sections (7) and (8) and of section 33 of this Act, copyright shall not subsist in any work made before the commencement of this Act, otherwise than under, and in accordance with, the provisions of this section.

Application to British Possessions.

25. (1) This Act, except such of the provisions thereof as are expressly restricted to the United Kingdom, shall extend throughout His Majesty's dominions: Provided that it shall not extend to a self-governing dominion, unless declared by the Legislature of that dominion to be in force therein either without any modifications or additions, or with such modifications and additions relating exclusively to procedure and remedies, or necessary to adapt this Act to the circumstances of the dominion, as may be enacted by such Legislature.

Application
of Act to
British
dominions.

(2) If the Secretary of State certifies by notice published in the London Gazette that any self-governing dominion has passed legislation under which works, the authors whereof were at the date of the making of the works British subjects resident elsewhere than in the dominion or (not being British subjects) were resident in the parts of His Majesty's dominions to which this Act extends, enjoy within the dominion rights substantially identical with those conferred by this Act, then, whilst such legislation continues in force, the dominion shall, for the purposes of the rights conferred by this Act, be treated as if it were a dominion to which this Act extends; and it shall be lawful for the Secretary of State to give such a certificate as aforesaid, notwithstanding that the remedies for enforcing the rights, or the restrictions on the importation of copies of works, manufactured in a foreign country, under the law of the dominion, differ from those under this Act.

(The First Schedule.—Portions of the Copyright Act applicable to British India.)

Legislative
powers of
self-govern-
ing domi-
nions.

26. (1) The Legislature of any self-governing dominion may, at any time, repeal all or any of the enactments relating to copyright passed by Parliament (including this Act) so far as they are operative within that dominion: Provided that no such repeal shall prejudicially affect any legal rights existing at the time of the repeal, and that, on this Act or any part thereof being so repealed by the Legislature of a self-governing dominion that dominion shall cease to be a dominion to which this Act extends.

(2) In any self-governing dominion to which this Act does not extend, the enactments repealed by this Act shall, so far as they are operative in that dominion, continue in force until repealed by the Legislature of that dominion.

(3) Where His Majesty in Council is satisfied that the law of a self-governing dominion to which this Act does not extend provides adequate protection within the dominion for the works (whether published or unpublished) of authors who at the time of the making of the work were British subjects resident elsewhere than in that dominion, His Majesty in Council may, for the purpose of giving reciprocal protection, direct that this Act, except such parts (if any) thereof as may be specified in the Order, and subject to any conditions contained therein, shall, within the parts of His Majesty's dominions to which this Act extends, apply to works the authors whereof were, at the time of the making of the work, resident within the first-mentioned dominion, and to works first published in that dominion; but save as provided by such an Order, works the authors whereof were resident in a dominion to which this Act does not extend shall not, whether they are British subjects or not, be entitled to any protection under this Act except such protection as is by this Act conferred on works first published within the parts of His Majesty's dominions to which this Act extends:

Provided that no such Order shall confer any rights within a self-governing dominion, but the Governor in Council of any self-governing dominion to which this Act extends may, by Order, confer within that dominion the like rights as His Majesty in Council is, under the foregoing provisions of this sub-section, authorised to confer within other parts of His Majesty's dominions.

(The First Schedule — Portions of the Copyright Act applicable to British India)

For the purposes of this sub-section, the expression "a dominion to which this Act extends" includes a dominion which is for the purposes of this Act to be treated as if it were a dominion to which this Act extends

27. The Legislature of any British possession to which this Act extends may modify or add to any of the provisions of this Act in its application to the possession, but except so far as such modifications and additions relate to procedure and remedies, they shall apply only to works the authors whereof were, at the time of the making of the work, resident in the possession, and to works first published in the possession

Power of Legislatures of British possessions to pass supplemental legislation

28. His Majesty may, by Order in Council extend this Act to any territories under his protection and to Cyprus, and on the making of any such Order, this Act shall, subject to the provisions of the Order, have effect as if the territories to which it applies or Cyprus were part of His Majesty's dominions to which this Act extends

Application to protect-ories

PART II

INTERNATIONAL COPYRIGHT

29. (1) His Majesty may, by Order in Council, direct that this Act (except such parts, if any, thereof as may be specified in the Order) shall apply—

Powers to extend Act to foreign works

- (a) to works first published in a foreign country to which the Order relates, in like manner as if they were first published within the parts of His Majesty's dominions to which this Act extends;
- (b) to literary, dramatic, musical and artistic works, or any class thereof, the authors whereof were, at the time of the making of the works, subjects or citizens of a foreign country to which the Order relates, in like manner as if the authors were British subjects;

(The First Schedule.—Portions of the Copyright Act applicable to British India.)

- (c) in respect of residence in a foreign country to which the Order relates in like manner as if such residence were residence in the parts of His Majesty's dominions to which the Act extends;

and thereupon, subject to the provisions of this Part of this Act and of the Order, this Act shall apply accordingly :

Provided that—

- (i) before making an Order in Council under this section in respect of any foreign country (other than a country with which His Majesty has entered into a convention relating to copyright). His Majesty shall be satisfied that that foreign country has made, or has undertaken to make, such provisions, if any, as it appears to His Majesty expedient to require for the protection of works entitled to copyright under the provisions of Part I of this Act;
- (ii) the Order in Council may provide that the terms of copyright within such parts of His Majesty's dominions as aforesaid shall not exceed that conferred by the law of the country to which the Order relates;
- (iii) the provisions of this Act as to the delivery of copies of books shall not apply to works first published in such country, except so far as is provided by the Order;
- (iv) the Order in Council may provide that the enjoyment of the rights conferred by this Act shall be subject to the accomplishment of such conditions and formalities (if any) as may be prescribed by the Order;
- (v) in applying the provisions of this Act as to ownership of copyright, the Order in Council may make such modifications as appear necessary having regard to the law of the foreign country;
- (vi) in applying the provisions of this Act as to existing works, the Order in Council may make such modifications as appear necessary, and may provide that nothing in those provisions as so applied shall be construed as reviving any right of

(The First Schedule —Portions of the Copyright Act applicable to British India.)

preventing the production or importation of any translation in any case where the right has ceased by virtue of section 5 of the International Copyright Act, 1886.

(2) An Order in Council under this section may extend to all the several countries named or described therein.

30. (1) An Order in Council under this Part of this Act shall apply to all His Majesty's dominions to which this Act extends except self-governing dominions and any other possessions specified in the Order with respect to which it appears to His Majesty expedient that the Order should not apply Application of Part II to British possessions.

(2) The Governor in Council of any self-governing dominion to which this Act extends may, as respects that dominion, make the like Orders as under this Part of this Act His Majesty in Council is authorised to make with respect to His Majesty's dominions other than self-governing dominions and the provisions of this Part of this Act shall, with necessary modifications, apply accordingly.

(3) Where it appears to His Majesty expedient to except from the provisions of any Order any part of his dominions, not being a self-governing dominion, it shall be lawful for His Majesty by the same or any other Order in Council to declare that such Order and this Part of this Act shall not, and the same shall not, apply to such part, except so far as is necessary for preventing any prejudice to any rights acquired previously to the date of such Order.

PART III.

SUPPLEMENTAL PROVISIONS.

31. No person shall be entitled to copyright or any similar right in any literary, dramatic, musical or artistic work, whether published or unpublished, otherwise than under and in accordance with the provisions of this Act, or of any other statutory enactment for the time being in force, but nothing in this section shall be construed as negating any right or power then to restrain a breach of trust or confidence.

(The First Schedule.—Portions of the Copyright Act applicable to British India)

"Artistic work" includes works of painting, drawing, sculpture and artistic craftsmanship, and architectural works of art and engravings and photographs;

"Work of sculpture" includes casts and models;

"Architectural work of art" means any building or structure having an artistic character or design, in respect of such character or design, or any model for such building or structure, provided that the protection afforded by this Act shall be confined to the artistic character and design, and shall not extend to processes or methods of construction;

"Engravings" include etchings, lithographs, wood-cuts, prints, and other similar works, not being photographs;

"Photograph" includes photo lithograph and any work produced by any process analogous to photography;

"Cinematograph" includes any work produced by any process analogous to cinematography;

"Collective work" means—

(a) an encyclopedia, dictionary, year-book, or similar work,

(b) a newspaper, review, magazine, or similar periodical, and

(c) any work written in distinct parts by different authors, or in which works or parts of works of different authors are incorporated,

"Infringing," when applied to a copy of a work in which copyright subsists, means any copy, including any colourable imitation made or imported in contravention of the provisions of this Act;

"Performance" means any acoustic representation of a work and any visual representation of any dramatic action in a work, including such a representation made by means of any mechanical instrument;

"Delivery," in relation to a lecture, includes delivery by means of any mechanical instrument;

(The First Schedule.—Portions of the Copyright Act applicable to British India.)

“Plate” includes any stereotype or other plate, stone, block, mould, matrix, transfer, or negative used or intended to be used for printing or reproducing copies of any work, and any matrix or other appliance by which records, perforated rolls or other contrivances for the acoustic representation of the work are or are intended to be made;

“Lecture” includes address, speech, and sermon;

“Self-governing dominion” means the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland.

(2) For the purposes of this Act (other than those relating to infringements of copyright), a work shall not be deemed to be published or performed in public, and a lecture shall not be deemed to be delivered in public, if published, performed in public, or delivered in public, without the consent or acquiescence of the author, his executors, administrators or assigns.

(3) For the purposes of this Act, a work shall be deemed to be first published within the parts of His Majesty's dominions to which this Act extends, notwithstanding that it has been published simultaneously in some other place, unless the publication in such parts of His Majesty's dominions as aforesaid is colourable only and is not intended to satisfy the reasonable requirements of the public, and a work shall be deemed to be published simultaneously in two places if the time between the publication in one such place and the publication in the other place does not exceed fourteen days, or such longer period as may, for the time being, be fixed by Order in Council.

(4) Where, in the case of an unpublished work, the making of a work has extended over a considerable period, the conditions of this Act conferring copyright shall be deemed to have been complied with, if the author was, during any substantial part of that period, a British subject or a resident within the parts of His Majesty's dominions to which this Act extends.

(The First Schedule—Portions of the Copyright Act applicable to British India)

(5) For the purposes of the provisions of this Act as to residence, an author of a work shall be deemed to be a resident in the parts of His Majesty's dominions to which this Act extends if he is domiciled within any such part

* 36. Subject to the provisions of this Act, the enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule Repeal

Provided that this repeal shall not take effect in any part of His Majesty's dominions until this Act comes into operation in that part

37 (1) This Act may be cited as the Copyright Act, 1911

Short title
and com-
mencement.

(2) This Act shall come into operation—

- (a) in the United Kingdom, on the 1st day of July, 1912, or such earlier date as may be fixed by Order in Council,
- (b) in a self-governing dominion to which this Act extends, at such date as may be fixed by the Legislature of that dominion,
- (c) in the Channel Islands, at such date as may be fixed by the States of those Islands respectively,
- (d) in any other British possession to which this Act extends, on the proclamation thereof within the possession by the Governor

(The First Schedule.—Portions of the Copyright Act applicable to British India.)

SCHEDULES.

FIRST SCHEDULE.

Section 21.

EXISTING RIGHTS.

Existing Right.	Substituted Right.
(a) <i>In the case of Works other than Dramatic and Musical Works.</i>	
Copyright	Copyright as defined by this Act.*
(b) <i>In the case of Musical and Dramatic Works.</i>	
Both copyright and performing right	Copyright as defined by this Act.*
Copyright, but not performing right	Copyright as defined by this Act, except the sole right to perform the work or any substantial part thereof in public.
Performing right, but not copyright	The sole right to perform the work in public but none of the other rights comprised in copyright as defined by this Act.

*In the case of an essay, article, or portion forming part of and first published in a review, magazine or other periodical or work of a like nature, the right shall be subject to any right of publishing the essay, article, or portion in a separate form to which the author is entitled at the commencement of this Act, or would if this Act had not been passed, have become entitled under section eighteen of the Copyright Act, 1842.

For the purposes of this Schedule the following expressions, where used in the first column thereof, have the following meanings:—

“Copyright,” in the case of a work which according to the law in force immediately before the commencement of this Act has not been published before that date and statutory copyright wherein depends on publication, includes the right at common law (if any) to restrain publication or other dealing with the work;

“Performing right,” in the case of a work which has not been performed in public before the commencement of this Act, includes the right at common law (if any) to restrain the performance thereof in public.

(The First Schedule.—Portions of the Copyright Act applicable to British India.)

SECOND SCHEDULE.

[Enactments Repealed].

Session and Chapter.	Short Title	Extent of Repeal.
8 Geo. 2, c. 13 . .	The Engraving Copyright Act, 1734	The whole Act
7 Geo. 3, c. 38 . .	The Engraving Copyright Act, 1767	Ditto
15 Geo. 3, c. 63 . .	The Copyright Act, 1775 . .	Ditto.
17 Geo. 3, c. 57 . .	The Prints Copyright Act, 1777 .	Ditto.
54 Geo. 3, c. 56 . .	The Sculpture Copyright Act, 1814	Ditto
3 & 4 Will. 4, c. 15 .	The Dramatic Copyright Act, 1813	Ditto
5 & 6 Will. 4, c. 65 .	The Lectures Copyright Act, 1835	Ditto
6 & 7 Will. 4, c. 69 .	The Prints and Engravings Copyright (Ireland) Act, 1836	Ditto
6 & 7 Will. 4, c. 110 .	The Copyright Act, 1836 . .	Ditto
5 & 6 Viet., c. 45 . .	The Copyright Act, 1842 . .	Ditto
7 & 8 Viet., c. 12 . .	The International Copyright Act, 1844.	Ditto
10 & 11 Viet., c. 93 .	The Colonial Copyright Act, 1847.	Ditto
15 & 16 Viet., c. 12 .	The International Copyright Act, 1852	Ditto.
25 & 26 Vict., c. 64 .	The Fine Arts Copyright Act, 1862	Sections 1 to 6. In section 5 the words "and pursuant to any Act for the protection of copyright engravings", and "and in any such Act as aforesaid," sections 9 to 12.
34 & 35 Viet., c. 12 .	The International Copyright Act, 1873	The whole Act.
39 & 40 Viet., c. 36 .	The Cinematograph Act, 1876	Section 42 from "Books wherein" to "such copy-right shall expire," &c. from 44, 45 and 152
45 & 46 Viet., c. 46 .	The Copyright (Musical Composition) Act, 1882	The whole Act

(The First Schedule.—Portions of the Copyright Act applicable to British India.)

SCHEDULES.

FIRST SCHEDULE.

Section 24.

EXISTING RIGHTS.

Existing Right.	Substituted Right.
(a) <i>In the case of Works other than Dramatic and Musical Works.</i>	
Copyright . . . . .	| Copyright as defined by this Act.*
(b) <i>In the case of Musical and Dramatic Works.</i>	
Both copyright and performing right . . . . .	| Copyright as defined by this Act.*
Copyright, but not performing right . . . . .	| Copyright as defined by this Act, except the sole right to perform the work or any substantial part thereof in public.
Performing right, but not copyright . . . . .	| The sole right to perform the work in public but none of the other rights comprised in copyright as defined by this Act.

*In the case of an essay, article, or portion forming part of and first published in a review, magazine or other periodical or work of a like nature, the right shall be subject to any right of publishing the essay, article, or portion in a separate form to which the author is entitled at the commencement of this Act, or would if this Act had not been passed, have become entitled under section eighteen of the Copyright Act, 1842.

For the purposes of this Schedule the following expressions, where used in the first column thereof, have the following meanings:—

“Copyright,” in the case of a work which according to the law in force immediately before the commencement of this Act has not been published before that date and statutory copyright wherein depends on publication, includes the right at common law (if any) to restrain publication or other dealing with the work;

“Performing right,” in the case of a work which has not been performed in public before the commencement of this Act, includes the right at common law (if any) to restrain the performance thereof in public.

(The First Schedule — Portions of the Copyright Act applicable to British India)

SECOND SCHEDULE

[Enactments Repealed]

Session and Chapter	Short Title	Extent of Repeal.
8 Geo 2, c 13	The Engraving Copyright Act, 1734	The whole Act
7 Geo 3, c 38	The Engraving Copyright Act, 1767	Ditto
15 Geo 3, c 53	The Copyright Act, 1775	Ditto
17 Geo 3, c 57	The Prints Copyright Act, 1777	Ditto
54 Geo 3, c 56	The Sculpture Copyright Act, 1814	Ditto
3 & 4 Will 4, c 15	The Dramatic Copyright Act, 1833	Ditto
5 & 6 Will 4, c 67	The Lectures Copyright Act, 1835	Ditto
6 & 7 Will 4, c 59	The Prints and Engravings Copyright (Ireland) Act, 1836	Ditto
6 & 7 Will 4, c 110	The Copyright Act, 1836	Ditto
5 & 6 Vict, c 45	The Copyright Act, 1842	Ditto
7 & 8 Vict c 12	The International Copyright Act, 1844	Ditto
10 & 11 Vict, c 95	The Colonial Copyright Act, 1847	Ditto
15 & 16 Vict, c 12	The International Copyright Act, 1852	Ditto
25 & 26 Vict, c 68	The Fine Arts Copyright Act, 1862	Section 1 to 9. In section 1 the words "and print" were to be inserted after the word "copyright" and "and in any of his Acts or Treaties," to read 9 to 12
39 & 40 Vict, c 12	The International Copyright Act, 1875	The whole Act
39 & 40 Vict, c 37	The Copyright (Consequential) Act, 1876	Section 42 from "Books" to "as his copy-right will expire" and "the 44, 45 and 46"
45 & 46 Vict, c 49	The Copyright (Musical Composition) Act, 1882	The whole Act

THE SCHEDULE.

PART I—*contd.**Acts of the Governor General of India in Council.*

Year.	No.	Short title.	Amendments.
1859	XXIV	The Madras District Police Act, 1859.	<ol style="list-style-type: none"> 1. In section 5 omit the words "and who shall receive such salary as the Governor General of India in Council shall allow". 2. In section 8 for the words "with the sanction" substitute the words "subject to the control".
1861	V	The Police Act, 1861	In section 2 for the word "sanction" substitute the word "control".
1863	XXIII	The Waste-lands (Claims) Act, 1863.	<ol style="list-style-type: none"> 1. In section 5 omit the words "Board of Revenue or other" and insert after the word "authority", where that word occurs for the first time, the words "to which he is immediately subordinate" and omit the words "Board or other", wherever these words occur in the section. 2. In sections 4 and 10 omit the words "by the Local Government". 3. After section 23 insert the following section:— <p>"23A. In a province for which there is a Board of Revenue or a Financial Commissioner, the powers and duties of the Local Government under sections 6, 10, 22 and 23 may be exercised by such Board or Financial Commissioner, as the case may be."</p>
1872	IV	The Punjab Laws Act, 1872.	<ol style="list-style-type: none"> 1. In section 39C for the words "with the previous sanction" substitute the words "subject to the control". 2. In section 50A for the word "No" substitute the word "All" and for the word "valid" substitute the words "subject to the control of the Governor General in Council and no such rules shall be valid" and omit clause (c).
1873	III	The Madras Civil Courts Act, 1873.	<ol style="list-style-type: none"> 1. In sections 3 and 4 omit the provisos. 2. In section 6 omit the words "or whenever the Governor General in Council has sanctioned an addition to the number of District Judges or Subordinate Judges under the provisions of section 3 or section 4".

THE SCHEDULE.

PART I—*contd.*

Acts of the Governor General of India in Council.

Year	No.	Short title.	Amendments.
1873	III	The Madras Civil Courts Act, 1873— <i>contd.</i>	<p>3. In section 7 omit the words "or whenever the Governor General in Council has sanctioned an addition to the number of District Munsifs under the provisions of section 4".</p> <p>4. For section 24A the following section shall be substituted:—</p> <p>"24A. (1) The High Court may transfer all or any of the ministerial officers of any Civil Court subject to its superintendence to any other such Court.</p> <p>(2) The District Judge</p> <p>other such Court".</p> <p>5. In section 28 for the words "Local Government" substitute the words "High Court" and omit the words "rupees fifty or on the recommendation of the High Court up to any amount not exceeding".</p>
"	VIII	The Northern India Canal and Drainage Act, 1873	<p>1. In section 65 omit the words "with the previous sanction of the Governor General in Council".</p> <p>12*</p>
1874	IX	The European Vagrancy Act, 1874.	<p>1. In section 11 omit the words "with the previous sanction of the Governor General in Council."</p> <p>12*</p> <p>3. In section 36 for the words "the Governor General in Council" substitute the words "the Local Government"</p> <p>and for the words "Gazette of India" substitute the words "local official Gazette."</p>

*The entry No. 2 was repealed by s. 3 and Sch. II of the Devolution Act, 1920 (38 of 1920).

*Certain words were omitted, *ibid.*

THE SCHEDULE.

PART I—*contd.**Acts of the Governor General of India in Council.*

Year.	No.	Short title.	Amendments.
1879	XIV	The Hackney-carriage Act, 1879.	<ol style="list-style-type: none"> 1. In section 3 for the words "Local Government," wherever these words occur, substitute the word "Commissioner". 2. In section 4 omit the words "subject to the control of the Governor General in Council". 3. In section 5 for the words "Local Government," where these words occur for the first time, substitute the word "Commissioner".
"	XVI	The Transport of Salt Act, 1879.	In section 4 for the words "Governor of Bombay in Council" substitute the words "Chief Customs-authority".
1880	V	The Burma Boundaries Act, 1880.	In sections 25 and 32 for the words "Chief Commissioner" substitute the words "Financial Commissioner subject to the control of the Local Government".
"	XIII	The Vaccination Act, 1880.	<ol style="list-style-type: none"> 1. In section 2, clause (7), omit the words "by the Local Government." <p style="text-align: center;">12* * * *</p> <ol style="list-style-type: none"> 3. In sections 5 and 19 for the words "Local Government" wherever they occur in these sections, substitute the word "Commissioner"; and in section 19 before the word "Commissioners", where that word occurs for the second time, insert the word "Municipal".
1881	XXVI	The Negotiable Instruments Act, 1881.	<ol style="list-style-type: none"> 1. In the definition of "notary public" in section 3 for the words "Governor General in Council" substitute the words "Local Government". 2. In sections 138 and 139 for the words "Governor General in Council" substitute the words "Local Government".
1883	I	The Central Provinces Local Self-government Act, 1883.	In section 32 (1) omit the words "with the previous approval of the Governor General in Council."
"	XIX	The Land Improvement Loans Act, 1883.	1. In section 10 omit the words "subject to the control of the Governor General in Council".

¹The entry No. 2 was repealed by s. 3 and Sch. II of the Devolution Act, 1920 (38 of 1920).

THE SCHEDULE

PART I—contd

Acts of the Governor General of India in Council.

Year.	No.	Short title.	Amendments
1883	XIX	The Land Improvement Loans Act, 1883— <i>contd.</i>	2 After section 11 add the following section— <p>" 12 The powers conferred on a Local Government by sections 4 (1), 5 (1) and 10 may, in a certain powers of Local Government to be exercised by Board of Revenue or Financial Commissioner, be exercised in the like manner and subject to the like conditions by such Board or Financial Commissioner, as the case may be: Provided that rules made by a Board of Revenue or Financial Commissioner shall be subject to the control of the Local Government "</p>
"	XX	The Punjab District Boards Act, 1883	1 In section 13 for the words "the Local Government," wherever they occur substitute the words "[the Commissioner] 2 In section 36, subsection (2), after the words "as the," wherever they occur, insert the words "Local Government," 3 In section 51 omit the words "with the previous approval of the Governor General in Council" and the proviso. 4 In section 55 omit the letter and words "(f) make rules regulating the powers of district boards to make, vary and dispose of investments" from clause (1) and insert the letter and words "(b) regulating the powers of district boards to make, vary and dispose of investments" under clause (2) after the words "make rules for";
1884	XII	The Agriculturists' Loans Act, 1884	In section 4, subsection (1), omit the words "subject to the control of the Governor General in Council," and after the words "Local Government" insert the words "or, in a province for which there is a Board of Revenue or Financial Commissioner, such Board or Board of Revenue or Financial Commissioner, as the case may be, subject to the control of the Local Government."

¹These words were substituted by the Local Government in 1914 (Act IV) and 1915 (Act I) of the Local Government and Agriculture Act, 1914 (Act IV) and 1915 (Act I).

²Certain words were repealed by Act IV of 1915 (Act I) of the Local Government and Agriculture Act, 1915 (Act I).

Act IV.

2

THE SCHEDULE.

PART I—*contd.**Acts of the Governor General of India in Council.*

Year.	No.	Short title.	Amendments.
1*	*	*	*
1887	IX	The Provincial Small Cause Courts Act, 1887.	In sections 5 and 8 omit the words "with the previous sanction of the Governor General in Council."
"	XII	The Bengal, Agra and Assam Civil Courts Act, 1887.	<p>1. * * * *</p> <p>2. Omit section 5.</p> <p>3. In section 6 (1) for the words "the Governor General in Council has sanctioned an increase of the number of District Judges or Subordinate Judges" substitute the words "an increase in the number of District or Subordinate Judges has been made under the provisions of section 4."</p> <p>4. In section 7 (2) for the words "with the previous sanction" substitute the words "subject to the control."</p> <p>5. To section 19, sub-section (2) and to sections 25 and 34 (1), add the following proviso, namely :—</p> <p>"Provided that the Local Government may, by notification in the local official Gazette, delegate to the High Court its powers under this section."</p>
"	XVI	The Punjab Tenancy Act, 1887.	<p>1. In sections 61 (3) and 88 (1) omit the words "with the previous sanction of the Governor General in Council."</p> <p>2. In section 106, sub-section (3), for the words "not take effect until they have been sanctioned by" substitute the words "be made subject to the control of".</p>
"	XVII	The Punjab Land Revenue Act, 1887.	<p>1. In section 7, sub-section (1), omit the words "with the previous sanction of the Governor General in Council."</p> <p>2. In section 118 (2), omit the words "to the Commissioner" and for the word "Commissioner," where it occurs for the second time, substitute the words "authority to whom the appeal has been preferred."</p>

*The entry relating to Indian Income-tax Act, 1886 (2 of 1886), was repealed by the Indian Income-tax Act, 1918 (7 of 1918).

*The entry No. 1 was repealed by s. 3 and Sch. II of the Devolution Act, 1920 (38 of 1920).

THE SCHEDULE.

PART I—*contd.**Acts of the Governor General of India in Council.*

Year.	No.	Short title.	Amendments.
1887	XVII	The Punjab Land Revenue Act, 1887— <i>contd.</i>	3. In section 165, sub-section (3), omit the following "and rules" under clause (c) of sub-section (1) shall not take effect until they have also been confirmed by the Governor General in Council "
1888	XVIII	The Burma Financial Commissioner's Act, 1888.	In section 2, sub-section (1), omit the words "with the previous sanction of the Governor General in Council."
1890	I	The Revenue Recovery Act, 1890.	In section 3, sub-section (2), after the word "it" insert the words "or by any officer to whom such Collector may, by order in writing, delegate this duty "
1892	VII	The Madras City Civil Court Act, 1892	In section 10 omit the words "and the sanction of the Governor General in Council "
"	"	"	"
"	"	"	"
"	"	"	"
1896	VIII	The Inland Bonded Warehouses Act, 1896	In section 7 omit the words "with the previous sanction of the Governor General in Council "
1897	VIII	The Reformatory Schools Act, 1897.	In section 5 omit the words "with the previous sanction of the Governor General in Council "
1898	XIII	The Burma Laws Act, 1898.	In section 5 omit the words "with the previous sanction of the Governor General in Council" and the words "of its own authority."
1899	II	The Indian Stamp Act, 1899.	1. In section 52, sub-section (1), omit the words "upon application made to him in this behalf or, if no application is made, with the consent of the Chief Controlling Revenue Authority." 2. In section 49 for the words "Governor General in Council" substitute the words "Local Government"

¹The entry relating to Act I of 1891 was repealed by s. 3 and Sch. II of the Devolution Act, 1920 (38 of 1920)

²The entry relating to Act 14 of 1893 was repealed by s. 276 and Sch. V of the Indian Merchant Shipping Act, 1923 (21 of 1923)

³The entry relating to Act 2 of 1896 was repealed by the Repealing Act, 1927 (12 of 1927)

THE SCHEDULE.

PART I—*contd.**Acts of the Governor General of India in Council.*

Year.	No.	Short title.	Amendments.
1899	II	The Indian Stamp Act, 1899— <i>contd.</i>	<p>3. In section 51 after the word "Revenue-authority" insert the words "or the Collector if empowered by the Chief Controlling Revenue-authority in this behalf."</p> <p>4. After section 76 insert a new section namely:—</p> <p>"76A. The Local Government may, by notification in the local official Gazette, delegate—</p> <p>(a) all or any of the powers conferred on it by sections 2 (9), 33, (3) (b), 70 (1) 74 and 78 to the Chief Controlling Revenue-authority; and</p> <p>(b) all or any of the powers conferred on the Chief Controlling Revenue-authority by sections 45 (1), (2), 56 (1) and 70 (2) to such subordinate Revenue-authority as may be specified in the notification."</p>
"	VIII	The Indian Petroleum Act, 1899.	To section 5, sub-section (1), after the words "Local Government," add the words "or an officer appointed by the Local Government in this behalf."
1*	*	*	*
2*	*	*	*
3*	*	*	*
4*	*	*	*

¹The entry relating to Act 6 of 1900 was repealed by the Repealing Act, 1927 (12 of 1927).

²The entry relating to Act 8 of 1901, was repealed by s. 50 and Sch. of the Indian Mines Act, 1923 (4 of 1923).

³The entry relating to Act 2 of 1902 was repealed by s. 39 and Sch. of the Cantonments (House-Accommodation) Act, 1923 (6 of 1923).

⁴The entry relating to Act 16 of 1903 was repealed by the Repealing Act, 1927 (12 of 1927).

THE SCHEDULE.

PART I—concl'd.

Acts of the Governor General of India in Council.

Year.	No.	Short title.	Amendments.
10	•	•	•
10	•	•	•
1905	V	The Code of Civil Procedure, 1905.	In section 125, sub-section (1), for the words "Local Government" substitute the words "High Court."
10	•	•	•
"	XVI	The Indian Registration Act, 1905	<p>1. To section 6 the following proviso shall be added, namely:—</p> <p>"Provided that the Local Government may delegate, subject to such restrictions and conditions as it thinks fit, to the Inspector General of Registration the power of appointing Sub-Registrars."</p> <p>2. In section 12 for the words "the Local Government fills up the vacancy" substitute the words "the vacancy is filled up."</p> <p>3. In section 13, sub-section (1), before the word "all" insert the words "all appointments made by the Inspector General under section 6 and".</p> <p>4. To section 13 (3) add the words "and the Inspector General of Registration may, subject to such conditions and restrictions as the Local Government may impose, exercise the like power in the case of Sub-Registrars appointed by him."</p>
•	•	•	•
10	•	•	•

¹The entry relating to Act 4 of 1904 was repealed by s. 3 and Sch. II of the repealing and Amending Act, 1920 (31 of 1920).

²The entry relating to Act 3 of 1907 was repealed by s. 53 and Sch. III of the Provincial Laws Amendment Act, 1920 (5 of 1920).

³The entry relating to Act 13 of 1908 was repealed by s. 3 and Sch. II of the repealing and Amending Act, 1920 (31 of 1920).

⁴The entry No. 5 was repealed by s. 3 and Sch. II of the Amendment Act, 1920 (31 of 1920).

⁵The entry relating to Act 17 of 1909 was repealed by s. 3 and Sch. II of the repealing and Amending Act, 1922 (11 of 1922).

THE SCHEDULE.

PART II.

Regulations made by the Governor General of India in Council under section 1 of the Government of India Act, 1870.

Year.	No.	Short title.	Amendments.
1887	VIII	The Ajmer Irrigation Regulation, 1887.	In section 4, sub-section (1), for the words "with the previous sanction" substitute the words "subject to the control."
"	XII	The Upper Burma Ruby Regulation, 1887.	1. In section 4 omit the words "with the previous sanction of the Governor General in Council," wherever they occur. 2. In section 5, sub-section (2), clause (b), insert after the word "directs" the words "and in accordance with such conditions, if any, as to the time, place and mode of payment as it may direct" and omit sub-section (3).
1899	I	The Coorg Land and Revenue Regulation, 1899.	In section 60, sub-section (1), omit the words "with the previous sanction of the Governor General in Council."
1900	VI	The Coorg District Fund Regulation, 1900.	1. In section 3 omit the words "with the previous sanction of the Governor General in Council." 2. In section 9 omit the words "with the sanction of the Governor General in Council."
1907	II	The Coorg Municipal Regulation, 1907.	1. In section 50, sub-section (3), before the words "the Governor General in Council" insert the words "the Chief Commissioner, subject to the control of". 2. In section 143, sub-section (1), omit the words "with the previous sanction of the Governor General in Council."

THE SCHEDULE.

PART III.

Bengal Regulation.

Year.	No.	Short title.	Amendments.
1799	V	The Bengal Wills and Intestacy Regulation, 1799.	In section 7, the amendment made by the Repealing and Amending Act, 1903, Schedule II, Part I, is repealed, and for the words "Governor General in Council for his" substitute the words "Board of Revenue, or, in Assam, to the Local Government, for its".

ACT No V of 1914¹

[24th February, 1914]

An Act further to amend the Negotiable Instruments Act, 1881.

WHEREAS it is expedient further to amend the Negotiable Instruments Act, 1881, so as to remove doubts as to the validity of the making and endorsing of negotiable instruments in certain forms. It is hereby enacted as follows:—

1. This Act may be called the Negotiable Instruments (Amendment) Short title, Act, 1914

2. In section 13 of the Negotiable Instruments Act 1881 (hereinafter called the said Act), after the figures "13" insert the figure and signs "(1)", and to the same section add the following sub-section, namely:—

Amendment of section 13, Act XXVI of 1881.

"(2) A negotiable instrument may be made payable to two or more payees jointly, or it may be made payable in the alternative to one of two or one or some of several payees

3. In section 16 of the said Act, after the figures "16" insert the figure and sign "(1)", and to the same section add the following sub-section, namely:—

Amendment of section 16, Act XXVI of 1881

"(2) The provisions of this Act relating to payees shall apply with the necessary modifications to an indorser

ACT No VI of 1914²

[25th February, 1914]

An Act to amend the Provincial Small Cause Courts Act 1887.

WHEREAS it is expedient to amend the Provincial Small Cause Courts Act, 1887: It is hereby enacted as follows:—

1. This Act may be called the Provincial Small Cause Courts Short title, (Amendment) Act, 1914

2. In section 1 of the Provincial Small Cause Courts Act 1887, after the figures "1" insert the figure and signs "(1)", and to the same section add the following sub-section, namely:—

"(2) The provisions of this Act relating to the jurisdiction of the Provincial Small Cause Courts shall apply with the necessary modifications to the jurisdiction of the Provincial Small Cause Courts in the following cases:—

50 Provincial Small Cause Courts (amendment). [1914: Act VI.

Telegraph (amendment). [1914: Act VII.

Amendment
of article 35,
Schedule II,
Act IX of
1887.

2. In article 35 of the second Schedule of the Provincial Small Cause Courts Act, 1887 (hereinafter called the said Act), the following amendments shall be made, namely :—

(1) After item (i), the following item shall be inserted :—

“(ii) for an act which is, or, save for the provisions of Chapter IV of the Indian Penal Code, would be, an offence punishable under Chapter XVII of the said Code.” Act XLV of 1860.

(2) For item (j) the following shall be substituted, namely :—

“(j) for illegal, improper or excessive distress, attachment or search, or for trespass committed in, or damage caused by, the illegal or improper execution of any distress, search or legal process.”

Insertion of
new article
43A,
Schedule II,
Act IX of
1887.

3. After article 43 of the same Schedule of the said Act, the following article shall be inserted, namely :—

“(43A) a suit to recover property obtained by an act which is, or, save for the provisions of Chapter IV of the Indian Penal Code, would be, an offence punishable under Chapter XVII of the said Code.” Act XLV of 1860.

ACT No. VII of 1914.¹

[28th February, 1914.]

An Act further to amend the Indian Telegraph Act, 1885.

WHEREAS it is expedient further to amend the Indian Telegraph Act, 1885; It is hereby enacted as follows :

XIII of
1885.

Short title.

1. This Act may be called the Indian Telegraph (Amendment) Act, 1914.

¹ For Statement of Objects and Reasons, see Gazette of India, 1913, Pt. V, p. 127; for Report of Select Committee, see *ibid*, 1914, Pt. V, p. 11; and for Proceedings in Council, see *ibid*, 1914, Pt. VI, pp. 11 and 438.

2. For sub section (2) of section 1 of the Indian Telegraph Act, 1885 (hereinafter called the said Act), the following shall be substituted, namely —

Substitution
of new
sub-section
for section 1
(2), Act XIII
1885.

"(2) It extends to the whole of British India, including the Sonthal Parganas and the Parganas of Spiti, and it applies also to—

- (a) all native Indian subjects of His Majesty in any place without and beyond British India,
- (b) all other British subjects within the territories of any Native State in India, and
- (c) all servants of the King, whether British subjects or not, within the territories of any Native State in India "

3. In clause (1) of section 3 of the said Act for the words "transmitting or making," the words "making transmitting or receiving" shall be substituted

Amendment
of section 3
of the said
Act.

4. Section 4 of the said Act shall be renumbered section 4 (1) and after the said sub-section the following proviso and sub-section shall be added, namely —

Addition of
further
provision and
sub-section
(2) to section
4 of the said
Act

"Provided further that the Governor General in Council may, by rules made under this Act and published in the Gazette of India, permit, subject to such restrictions and conditions as he thinks fit, the establishment, maintenance and working—

- (a) of wireless telegraphs on ships within Indian territorial waters, and
- (b) of telegraphs other than wireless telegraphs within any part of British India

"(2) The Governor General in Council may, by notification in the Gazette of India direct that the telegraph authority all or any of his powers under the first proviso to sub-section (1)

The exercise by the telegraph authority of any power as aforesaid shall be subject to such restrictions as the Governor General in Council may by the notification think fit to impose

5. After section 19 of the said Act the following section shall be inserted, namely —

Insertion of
new section
19A and 19B
after section
19 of the said
Act.

"19A. (1) Any person who is found in the local exercise of a right with any proximate means or instrument likely to cause damage to a legal right

Inter-
ference
with legal
rights

likely to
damage
telegraph or
interfere
with tele-
graphic com-
munication
to give
notice.

telegraph line or post which has been duly placed in accordance with the provisions of this Act, or to interrupt or interfere with telegraphic communication, shall give not less than one month's notice in writing of the intended exercise of such right to the telegraph authority, or to any telegraph officer whom the telegraph authority may empower in this behalf.

“(2) If any such person without having complied with the provisions of sub-section (1) deals with any property in such a manner as is likely to cause damage to any telegraph line or post, or to interrupt or interfere with telegraphic communication, a Magistrate of the first or second class may, on the application of the telegraph authority, order such person to abstain from dealing with such property in such manner for a period not exceeding one month from the date of his order and forthwith to take such action with regard to such property as may be in the opinion of the Magistrate, necessary to remedy or prevent such damage, interruption or interference during such period.

“(3) A person dealing with any property in the manner referred to in sub-section (1) with the *bonâ fide* intention of averting imminent danger of personal injury to himself or any other human being shall be deemed to have complied with the provisions of the said sub-section if he gives such notice of the intended exercise of the right as is in the circumstances possible, or where no such previous notice can be given without incurring the imminent danger referred to above, if he forthwith gives notice of the actual exercise of such right to the authority or officer specified in the said sub-section.

er to
fer upon
licensee
powers of
telegraph
authority
under this
Part.

“19B. The Governor General in Council may, by notification in the Gazette of India, confer upon any licensee under section 4, in respect of the extent of his licence and subject to any conditions and restrictions which the Governor General in Council may think fit to impose and to the provisions of this Part, all or any of the powers which the telegraph authority possesses under this Part with regard to a telegraph established or maintained by the Government or to be so established or maintained :

“Provided that the notice prescribed in section 19A shall always be given to the telegraph authority or officer empowered to receive notice under section 29A (1).”

6 For section 20 of the said Act the following section shall be substituted, namely —

Substitution of new section 20 for section 20 of the said Act.

20 (1) If any person establishes, maintains or works a telegraph within British India in contravention of the provisions of section 4 or otherwise than as permitted by rules made under that section he shall be punished, if the telegraph is a wireless telegraph with imprisonment which may extend to three years, or with fine or with both and in any other case, with a fine which may extend to one thousand rupees.

That is to say, for the purpose of the work of the telegraph.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1895, offences under this section in respect of a wireless telegraph shall for the purposes of the said Code be bailable and non cognizable.

(3) When any person is convicted of an offence punishable under this section the Court before which he is convicted may direct that the telegraph in respect of which the offence has been committed, or any part of such telegraph, be forfeited to His Majesty.

7. After section 20 of the said Act the following section shall be inserted, namely —

Insertion of new section 20A after section 20 of the said Act.

* 20A. If the holder of a licence granted under section 4 contravenes any condition contained in his licence, he shall be punished with fine which may extend to one thousand rupees, and with a further fine which may extend to five hundred rupees for every day during which the breach of the condition continues.

That is to say, for the purpose of the licence.

8. After section 21 of the said Act the following section shall be inserted, namely —

Insertion of new section 21A after section 21 of the said Act.

21A. If, in any case not provided for by section 21, any person deals with any property and thereby wilfully or negligently damages any telegraph line or post duly placed on such property in accordance with the provisions of this Act he shall be liable to pay a fine not exceeding one thousand rupees, or to be imprisoned for a term not exceeding one month, or to both, if the telegraph line or post is damaged or destroyed, or if the telegraph line or post is damaged or destroyed in such a manner as to render it unusable for a period exceeding one month.

That is to say, for the purpose of the licence.

* Provided that if the property of the person is damaged or destroyed in such a manner as to render it unusable for a period exceeding one month, the fine shall not exceed one thousand rupees.

likely to
damage
telegraph or
interfere
with tele-
graphic com-
munication
to give
notice.

telegraph line or post which has been duly placed in accordance with the provisions of this Act, or to interrupt or interfere with telegraphic communication, shall give not less than one month's notice in writing of the intended exercise of such right to the telegraph authority, or to any telegraph officer whom the telegraph authority may empower in this behalf.

“(2) If any such person without having complied with the provisions of sub-section (1) deals with any property in such a manner as is likely to cause damage to any telegraph line or post, or to interrupt or interfere with telegraphic communication, a Magistrate of the first or second class may, on the application of the telegraph authority, order such person to abstain from dealing with such property in such manner for a period not exceeding one month from the date of his order and forthwith to take such action with regard to such property as may be in the opinion of the Magistrate, necessary to remedy or prevent such damage, interruption or interference during such period.

“(3) A person dealing with any property in the manner referred to in sub-section (1) with the *bonâ fide* intention of averting imminent danger of personal injury to himself or any other human being shall be deemed to have complied with the provisions of the said sub-section if he gives such notice of the intended exercise of the right as is in the circumstances possible, or where no such previous notice can be given without incurring the imminent danger referred to above, if he forthwith gives notice of the actual exercise of such right to the authority or officer specified in the said sub-section.

Power to
confer upon
licensee
powers of
telegraph
authority
under this
Part.

“19B. The Governor General in Council may, by notification in the Gazette of India, confer upon any licensee under section 4, in respect of the extent of his licence and subject to any conditions and restrictions which the Governor General in Council may think fit to impose and to the provisions of this Part, all or any of the powers which the telegraph authority possesses under this Part with regard to a telegraph established or maintained by the Government or to be so established or maintained :

“Provided that the notice prescribed in section 19A shall always be given to the telegraph authority or officer empowered to receive notice under section 29A (1).”

6. For section 20 of the said Act the following section shall be substituted, namely :—

Substitution
of new sec-
tion for
section 20 of
the said Act.

"20 (1) If any person establishes, maintains or works a telegraph within British India in contravention of the provisions of section 1 or otherwise than as permitted by rules made under that section, he shall be punished, if the telegraph is a wireless telegraph, with imprisonment which may extend to three years, or with fine, or with both, and, in any other case, with a fine which may extend to one thousand rupees."

Insertion of
section 20A
maintaining
or working
unauthorised
telegraph

"(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1893, offences under this section in respect of a wireless telegraph shall, for the purposes of the said Code be bailable and non-cognizable."

"(3) When any person is convicted of an offence punishable under this section, the Court before which he is convicted may direct that the telegraph in respect of which the offence has been committed, or any part of such telegraph, be forfeited to His Majesty."

7. After section 20 of the said Act the following section shall be inserted, namely :—

Insertion of
new section
20A after
section 20
of the said
Act
Breach of
condition of
licence

"20A If the holder of a licence granted under section 1 contravenes any condition contained in his licence, he shall be punished with fine which may extend to one thousand rupees, and with a further fine which may extend to five hundred rupees for every week during which the breach of the condition continues."

8. After section 25 of the said Act the following section shall be inserted, namely :—

Insertion of
new section
25A after
section 25 of
the said Act.

"25A If, in any case not provided for by section 25, any person deals with any property and thereby wilfully or negligently damages any telegraph line or post duly placed on such property in accordance with the provisions of this Act, he shall be liable to pay the telegraph authority such expenses (if any) as may be incurred in making good such damage, and shall also, if the telegraphic communication is by reason of the damage so caused interrupted, be punishable with a fine which may extend to one thousand rupees."

Injury to or
interference
with a tele-
graph line or
post

"Provided that the provisions of this section shall not apply where such damage or interruption is caused by a person dealing with any

property in the legal exercise of a right if he has complied with the provisions of section 19A (1)."

Insertion of
new section
29A after
section 29 of
the said Act.

9. After section 29 of the said Act the following section shall be inserted namely:—

Penalty.

"29A. If any person, without due authority,—

(a) makes or issues any document of a nature reasonably calculated to cause it to be believed that the document has been issued by, or under the authority of, the Director General of Telegraphs, or

(b) makes on any document any mark in imitation of, or similar to, or purporting to be, any stamp or mark of any Telegraph Office under the Director General of Telegraphs, or a mark of a nature reasonably calculated to cause it to be believed that the document so marked has been issued by, or under the authority of, the Director General of Telegraphs,

he shall be punished with fine which may extend to fifty rupees."

Amendment
of section 34
of the said
Act.

10. In section 34 (1) of the said Act after the figures and word "18, sub-section (1)," the words, figures and letter "and section 19A, sub-section (2)," shall be inserted.

ACT No. VIII of 1914.¹

[28th February, 1914.]

An Act to consolidate and amend the law relating to motor vehicles in British India.

WHEREAS it is expedient to consolidate and amend the law relating to motor vehicles in British India; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be called the Indian Motor Vehicles Act, 1914. Short title.

¹ For Statement of Objects and Reasons, see Gazette of India, 1913, Pt. V, p. 186; for Report of Select Committee, see *ibid.*, 1914, Pt. V, p. 59; and for Proceedings in Council, see *ibid.*, 1913, Pt. VI, p. 566, and *ibid.*, 1914, Pt. VI, pp. 64, 325 and 496.

The Act has been declared in force in Angul District by section 5 of Angul Laws Regulation, 1913 (3 of 1913), see Bihar and Orissa Gazette, 1918, Pt. II, p. 148.

The Act has been applied to part of the Manipur State subject to modifications, see Notification No. 94-I, dated 25th February 1924, Gazette of India, 1924, Pt. I, p. 179.

(Part I—Preliminary Part II.—Provisions of General Application.)

(2) This Act, except Part III thereof, extends to the whole of British India, including British Baluchistan, the Sonthal Parganas and the Pargana of Spiti. Part III extends in the first instance only to the Provinces of Madras, Bombay, Bengal, the United Provinces of Agra and Oudh, the Punjab, Burma, Bihar and Orissa, the North-West Frontier Province and Delhi. The Local Government of any other Province may, by notification in the local official Gazette, extend Part III to the whole or any part of such province.

(3) It shall come into force on such date as the Governor General in Council, by notification in the Gazette of India, may direct.

2. "Motor vehicle" includes a vehicle, carriage or other means of conveyance propelled, or which may be propelled, on a road by electrical or mechanical power either entirely or partially,

"prescribed" means prescribed by rules under this Act,

"public place" means a road, street, way or other place, whether a thoroughfare or not, to which the public are granted access or over which they have a right to pass.

PART II

PROVISIONS OF GENERAL APPLICATION

3. (1) No person under the age of eighteen years shall drive a motor vehicle in any public place.

(2) No owner or person in charge of a motor vehicle shall allow any person under the age of eighteen years to drive the same in any public place; and in the event of a contravention of sub-section (1), the Court may presume that the motor vehicle was driven with the consent of the owner or person in charge.

Prohibition of driving motor vehicles by persons under 18.

¹ For extension of Pt. III of this Act to—

Central Provinces see Central Provinces Gazette, 1915 Pt. I, p. 426

British Baluchistan see Gazette of India 1911 Pt. II, p. 530

Cooch see Cooch Local R. and O. Pt. II, p. 114

Kashmir, Khasi and Jaintia Hills and Districts in Assam see Assam Local R. and O. Vol. I, Pt. II, p. 531

Sonthal Parganas, see B. & O. Gazette, 1876 Pt. II, p. 1220

From 1st April, 1915, see Gen. R. and O., Vol. IV, p. 470

This Act has been extended to the Pargana of Marhaura, subject to certain modifications, see Notification No. 1706 B, dated 22nd October 1917, Gazette of India, 1917, Pt. II A, p. 577.

(Part II.—Provisions of General Application. Part III.—Licensing and Control.)

Duty to stop vehicle for regulating traffic and in case of accident.

4. The person in charge of a motor vehicle shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary—

(a) when required to do so by any police-officer for the purpose of regulating traffic or of ascertaining his name and address with a view to prosecuting such person under this Act or for any purpose connected with the enforcement of the provisions of this Act or the rules thereunder, or

(b) when required to do so by any person having charge of any animal if such person apprehends that the animal is, or will be, alarmed by the motor vehicle, or

(c) when he knows or has reason to believe that an accident has occurred to any person or to any animal or vehicle in charge of a person owing to the presence of the motor vehicle, and he shall also, if so required, give his name and address and the name and address of the owner of such motor vehicle.

Reckless driving.

5. Whoever drives a motor vehicle in a public place recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the place, and the amount of traffic which actually is at the time or which might reasonably be expected to be, in the place, shall, on conviction, be punishable with fine which may extend to five hundred rupees.

PART III.

LICENSING AND CONTROL.

Licensing of drivers.

6. No person shall drive a motor vehicle in a public place unless he is licensed in the prescribed manner, and no owner or person in charge of a motor vehicle shall allow any person who is not so licensed, to drive it :

Provided that, subject to rules made by the Local Government in this behalf, this section shall not apply to a person receiving instruction in driving a motor vehicle.

Transfer of licence.

7. The holder of a licence shall not allow it to be used by any other person.

(Part III.—Licensing and Control.)

8. The driver of a motor vehicle shall produce his licence upon demand by any police-officer.

Production
of licence.

9. Every licence to drive a motor vehicle shall be valid in such area as may be specified therein :

Extent of
validity of
licence to
drive.

Provided that no licence shall specify any area outside the province in which it is granted, unless it is issued * * * in accordance with such conditions and restrictions as the Governor General in Council may impose.

10. (1) The owner of every motor vehicle shall cause it to be registered in the prescribed manner.

Registration
of motor
vehicles.

(2) Such registration shall be valid in such area as may be specified in the certificate of registration :

Provided that no certificate of registration shall be valid outside the province in which it is granted unless it is issued in accordance with such conditions and restrictions as the Governor General in Council may impose.

11. (1) The Local Government, subject to the conditions of previous publication, shall make rules for the purpose of carrying into effect the provisions of this Act and of regulating, in the whole or any part of the territories under its administration, the use of motor vehicles or any class of motor vehicles in public places.

Power of
Local
Government
to make
rules.

(2) In particular, and without prejudice to the generality of the foregoing powers, the Local Government may make rules for all or any of the following purposes, namely —

- (a) providing for the registration of motor vehicles, and the conditions subject to which such vehicles may be registered, the fees payable in respect of and incidental to registration, the issue of certificates of registration, the notification of any

¹ The words "by such authority and" were repealed by s. 3 and Second Sch. of the Second Repealing and Amending Act, 1914 (II of 1914), *ante*.

² For such rules for Madras, see Part B: George's Gazette, 1923, Pt. I, p. 277; for the Province of Bihar and Orissa, see B. & O. Local R. and O., Vol. II, p. 161; for Coorg, see Coorg Local R. and O., Pt. II, p. 114; for British Borneo, see F.M.S. (British Borneo) Local R. and O., Pt. II, p. 211; for Burma, see Burma Local R. and O., Vol. II, p. 225.

(Part III.—Licensing and Control.)

- changes of ownership, and (subject to the provisions of section 10), the area in which ¹[and the duration for which] certificates of registration shall be valid;
- (b) providing for facilitating the identification of motor vehicles by the assignment of distinguishing numbers to such vehicles and the displaying of number and name plates thereon, or in any other manner;
- (c) regulating the construction and equipment of motor vehicles, including the provision and use of lights, bells, horns, brakes, speed-indicators or other appliances;
- (d) prescribing the authority by which, and the conditions subject to which, drivers of motor vehicles or any class of such drivers may be licensed, the fees payable in respect of such licences, and (subject to the provisions of section 9), the area within which, and the duration for which, licences shall be valid;
- ²[(dd) prescribing the authority by which, and the conditions and limitations subject to which, licences may be suspended or cancelled.]
- (e) prescribing the conditions subject to which, and the fees (if any) on payment of which, motor vehicles may be let or plied for hire in public places, generally or in any particular public place;
- (f) prescribing the precautions to be observed when motor vehicles are standing in any public place;
- (g) limiting the speed at which motor vehicles may be driven generally or in any particular public place;
- (h) prohibiting or regulating the driving of motor vehicles in public places, where their use may, in the opinion of the Local Government, be attended with danger or inconvenience to the public; and
- (i) providing generally for the prevention of danger, injury or annoyance to the public or any person, or of danger or injury to property, or of obstruction to traffic.

¹ These words were inserted by s. 2 of the Indian Motor Vehicles (Amendment) Act, 1924 (15 of 1924).

² This clause was inserted by s. 2 of the Indian Motor Vehicles (Amendment) Act, 1920 (27 of 1920).

(Part III.—*Licensing and Control.* Part IV.—*Motor Vehicles temporarily leaving or visiting British India.*)

(5) All rules made under this section shall be published in the local official Gazette; and, on such publication, shall have effect as if enacted in this Act.

12. The prescribed authority shall give, in the prescribed manner, public notice of any rule, made by the Local Government under section 11, prohibiting or regulating the driving of motor vehicles in any public place; or limiting the speed of motor vehicles in any such place; and for the purpose of giving effect to any such rule, shall display conspicuous notices at or near the place to which the rule refers.

13. The Local Government may, by notification in the local official Gazette, exclude any area specified in such notification from the operation of this Part; and may, by a like notification, exempt either generally or for a specified period any motor vehicle or class of motor vehicles from the operation of all or any of the provisions of this Part.

Posting of notices.

Power to Local Government to exclude areas or motor vehicles from this Part.

PART IV.

MOTOR VEHICLES TEMPORARILY LEAVING OR VISITING BRITISH INDIA.

14. (1) The Governor General in Council may make rules for all or any of the following purposes, namely:—

Power of Governor General in Council to make rules.

- (i) for the grant and authentication of any travelling passes, certificates or authorities for the use of persons temporarily taking their motor vehicles out of British India, or to drivers of such vehicles when proceeding out of British India for the purpose of driving such vehicles, and
- (ii) prescribing the conditions subject to which motor vehicles brought temporarily into British India by persons intending to make a temporary stay there may be possessed, used and driven.

(2) All rules made under this section shall be published in the Gazette of India; and, on such publication, shall have effect as if enacted in this Act.

¹ For rules made under s. 14, see *Gen. R. s. 10* Vol. IV, pp. 470, 501.

² VOL. VI.

(Part IV.—Motor Vehicles temporarily leaving or visiting British India.
Part V.—Miscellaneous.)

Saving.

15. Nothing in this Act or in any rule made ¹[by the Local Government under section 11] relating to—

- (a) the registration of motor vehicles,
 - (b) requirements as to construction, identification or equipment of such vehicles, or
 - (c) the licensing or qualifications of drivers of such vehicles,
- shall apply in the case of any motor vehicle such as is referred to in clause (ii) of sub-section (1) of section 14. or of any person possessing, using or driving the same, provided that the requirements of any rule made under the said clause and applicable to such vehicle or person are complied with.

PART V.

MISCELLANEOUS.

Penalties.

16. Whoever contravenes any of the provisions of this Act or of any rule made thereunder shall, if no other penalty is elsewhere provided in this Act for such contravention, be punishable with fine which may extend to one hundred rupees, and, in the event of such person having been previously convicted of an offence under this Act or any rule made thereunder, with fine which may extend to two hundred rupees.

Cognizance of offences.

17. No Court inferior to that of a Presidency Magistrate or a Magistrate of the second class shall try any offence punishable under this Act or any rule made thereunder.

Cancellation and suspension of licence and disqualification for obtaining licence.

18. (1) A Local Government may, in its discretion,—

- (i) cancel or suspend any licence granted under this Act, and
- (ii) declare any person disqualified for obtaining a licence under this Act either permanently or for such period as it thinks fit.

²[(1A) The prescribed authority may subject to such conditions and limitations as may be prescribed, cancel or suspend any licence granted under this Act.]

¹ These words and figures were substituted for the word "thereunder" by s. 2 and Sch. of the Amending Act, 1916 (13 of 1916) *infra*.

² This sub-section was inserted by s. 3 of the Indian Motor Vehicles (Amendment) Act, 1920 (27 of 1920).

(Part V.—Miscellaneous. Schedule.—Enactments repealed)

(2) Any Court by which any person is convicted of an offence against the provisions of this Act or any rule made thereunder or of any offence in connection with the driving of a motor vehicle shall, if such person holds a licence under the Act, cause particulars of the conviction to be endorsed thereon and may, in respect of such person and of his licence, if any, exercise the like powers as are conferred by sub-section (1) on the Local Government :

Provided that no order made by a Court under this sub-section shall affect any person or licence for a period exceeding one year from the date of such conviction.

(3) Any Court before which the holder of a licence under this Act is accused of any offence mentioned in sub-section (2) may suspend such licence until the termination of the proceedings before it.

(4) A copy of every order of cancellation, suspension or disqualification made under this section in respect of a licence or the holder of a licence shall be endorsed on the licence, and a copy of every endorsement, in accordance with the provisions of this section, shall be sent to the authority by which such licence has been granted.

(5) Every holder of a licence shall, when called upon to do so, produce his licence before any authority acting under this section.

(6) A person whose licence has been cancelled or suspended in accordance with the provisions of this section, shall, during the period for which such order of cancellation has effect, or during the period of suspension, as the case may be, be disqualified for obtaining a licence.

(7) No person whose licence has been endorsed or who has been disqualified for obtaining a licence shall apply for, or obtain, a licence without giving particulars of such endorsement or disqualification.

19. [Repeals.] *Repealed by the Repealing Act, 1927 (12 of 1927).*

[SCHEDULE.]

[Enactments repealed.] *Repealed by the Repealing Act, 1927 (12 of 1927).*

ACT No. IX of 1914.¹

[28th February, 1914.]

An Act to consolidate and amend the law relating to the grant of loans to Local Authorities.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the borrowing powers of local authorities; It is hereby enacted as follows :—

Short title and extent.

1. (1) This Act may be called the Local Authorities Loans Act, 1914.

(2) It extends to the whole of British India, including the Sonthal Parganas.

Definitions.

2. In this Act, "local authority" means any person legally entitled to the control or management of any local or municipal fund, or legally entitled to impose any cess, rate, duty or tax within any local area ;

"funds", used with reference to any local authority, includes any local or municipal fund to the control or management of which such authority is legally entitled, and any cess, rate, duty or tax which such authority is legally entitled to impose, and any property vested in such authority ;

"prescribed" means prescribed by rules made under this Act ; and

"work" includes a survey, whether incidental to any other work or not.

Borrowing powers of local authorities.

3. (1) A local authority may, subject to the prescribed conditions, borrow on the security of its funds or any portion thereof for any of the following purposes, namely :—

- (i) the carrying out of any works which it is legally authorized to carry out,
- (ii) the giving of relief and the establishment and maintenance of relief works in times of famine or scarcity,
- (iii) the prevention of the outbreak or spread of any dangerous epidemic disease,

¹ For Statement of Objects and Reasons, see Gazette of India, 1914, Pt. V, p. 5; for Report of Select Committee, see *ibid.*, 1914, Pt. V, p. 17; and for Proceedings in Council, see *ibid.*, 1914, Pt. VI, pp. 64, 159, 189 and 496.

The Act was extended to British Baluchistan under s. 5 of the Scheduled Districts Act, 1874 (14 of 1874), see Gazette of India, 1915, Pt. II, p. 424.

The Act has been amended in its application to Central Provinces by the Local Authorities Loan (C. P. Amendment) Act, 1922 (C. P. Act 1 of 1922).

- (iv) any measures which may be connected with or ancillary to any purposes specified in clauses (ii) and (iii),
- (v) the repayment of money previously borrowed in accordance with law :

Provided that nothing in clause (v) shall be deemed to empower a local authority to fix a period for the repayment of any money borrowed thereunder which, when the period fixed for the repayment of the money previously borrowed is taken into account, will exceed the maximum period fixed for the repayment of a loan by or under any enactment for the time being in force.

¹[Provided further that, in the case of loans other than loans made by the Local Government, no amount exceeding twenty-five lakhs of rupees shall be borrowed unless the terms, including the date of flotation, of such loan have been approved by the Governor General in Council]

(2) Nothing in this section shall be deemed to authorize any local authority—

- (a) to borrow or spend money for any purpose for which, under the law for the time being in force, it is not authorized to apply its funds, or
- (b) to borrow money by means of the issue of bills or promissory notes payable within any period not exceeding twelve months.

4. (1) The ²[Local Government] may make Rules consistent with this Act as to—

Power to Governor General in Council to make rules.

- (i) the nature of the funds on the security of which money may be borrowed;
- (ii) the works for which money may be borrowed;
- (iii) the manner of making applications for permission to borrow money;
- (iv) the inquiries to be made in relation to such loans, and the manner of conducting such inquiries;
- (v) the cases and the forms in which particulars of applications and proceedings, and orders thereon, shall be published;

¹ This provision was added by s. 2 and Sch. I of the Amendment Act, 1911 (IX of 1911).

² These words were substituted by s. 2.

³ For rules under s. 4, see G.O. Vol. IV, p. 154.

(vi) the cases in which the Local Government may make loans

1 * * *

(vii) ²[the cases in which local authorities may take loans from persons other than the Local Government.]

(viii) the manner of recording and enforcing the conditions on which money is to be borrowed;

(ix) the manner and time of making or raising loans;

(x) the inspection of any works carried out by means of loans;

(xi) the instalments, if any, by which loans shall be repaid, the interest to be charged on loans, and the manner and time of repaying loans and of paying the interest thereon;

(xii) the sum to be charged against the funds which are to form the security for the loan, as costs in effecting the loan;

(xiii) the attachment of such funds, and the manner of disposing of or collecting them;

(xiv) the accounts to be kept in respect of loans;

(xv) the utilization of unexpended balances of loans either in the reduction in any way of the debt of the local authority, or in carrying out any works which that authority is legally authorized to carry out; and the sanction necessary to such utilization;

and as to all other matters incidental to carrying this Act into effect.

3 * * *

(3) All rules made under this Act shall be published ⁴ * * * in the local official Gazette, and on such publication, shall have effect as if enacted in this Act.

Remedy by
attachment
if loan not
repaid.

5. If any money borrowed in accordance with the provisions of this Act or any interest or costs due in respect thereof, is or are not repaid according to the conditions of the loan, the Local Government, if itself the lender, may, and, if the Local Government is not the lender, shall, on the application of the lender, attach the funds on the security of

¹ Certain words were omitted by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

² This clause was substituted, *ibid.*

³ Sub-section (2) was omitted, *ibid.*

⁴ Certain words were omitted, *ibid.*

which the loan was made. After such attachment, no person, except an officer appointed in his behalf by the Local Government, shall in any way deal with the attached funds, but such officer may do all acts in respect thereof which the borrowers might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the loan and of all interests and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings.

Provided that no such attachment shall defeat or prejudice any debt for which the funds attached were previously pledged in accordance with law, but all such prior charges shall be paid out of the proceeds of the funds before any part of the proceeds is applied to the satisfaction of the liability in respect of which such attachment is made.

Attachment
not to defeat
prior charges
lawfully made.

6. (1) Subject to the provisions of section 26 of the Indian Paper Currency Act, 1910, the local authorities mentioned in Schedule I and any other local authority to which the Governor General in Council may, by notification in the Gazette of India, extend the provisions of this section, may, with the previous sanction of the Governor General in Council, borrow money by means of the issue of bills or promissory notes payable within any period, not exceeding twelve months, for any purpose for which such local authority may lawfully borrow money under any law for the time being in force.

Issue of
short term
bills

Provided that the amount of the bills or promissory notes which may be so issued, shall not exceed, when the amount of the other moneys for the time being borrowed by such local authority is taken into account, the total amount which such local authority is empowered by law to borrow.

(2) The Governor General in Council may, by general or special orders, regulate the conditions on which moneys may be borrowed or repaid under this section.

7. Except as provided by or under this Act, no local authority shall, for any purpose, borrow money upon or otherwise charge its funds; and any contract entered into for that purpose after the passing of this Act shall be void.

Loans not to
be effected
except under
this Act

Provided that a local authority shall be deemed—

- (a) to include any local authority for a revenue or other purpose; and
- (b) to include any local authority for a revenue or other purpose.

(vi) the cases in which the Local Government may make loans
1 * * *

(vii) 2[the cases in which local authorities may take loans from persons other than the Local Government.]

(viii) the manner of recording and enforcing the conditions on which money is to be borrowed;

(ix) the manner and time of making or raising loans;

(x) the inspection of any works carried out by means of loans;

(xi) the instalments, if any, by which loans shall be repaid, the interest to be charged on loans, and the manner and time of repaying loans and of paying the interest thereon;

(xii) the sum to be charged against the funds which are to form the security for the loan, as costs in effecting the loan;

(xiii) the attachment of such funds, and the manner of disposing of or collecting them;

(xiv) the accounts to be kept in respect of loans;

(xv) the utilization of unexpended balances of loans either in the reduction in any way of the debt of the local authority, or in carrying out any works which that authority is legally authorized to carry out; and the sanction necessary to such utilization;

and as to all other matters incidental to carrying this Act into effect.

3 * * *

(3) All rules made under this Act shall be published 4 * * * in the local official Gazette, and on such publication, shall have effect as if enacted in this Act.

5. If any money borrowed in accordance with the provisions of this Act or any interest or costs due in respect thereof, is or are not repaid according to the conditions of the loan, the Local Government, if itself the lender, may, and, if the Local Government is not the lender, shall, on the application of the lender, attach the funds on the security of

¹ Certain words were omitted by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

² This clause was substituted, *ibid.*

³ Sub-section (2) was omitted, *ibid.*

⁴ Certain words were omitted, *ibid.*

which the loan was made. After such attachment, no person, except an officer appointed in his behalf by the Local Government, shall in any way deal with the attached funds, but such officer may do all acts in respect thereof which the borrowers might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the loan and of all interests and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings.

Provided that no such attachment shall defeat or prejudice any debt for which the funds attached were previously pledged in accordance with law, but all such prior charges shall be paid out of the proceeds of the funds before any part of the proceeds is applied to the satisfaction of the liability in respect of which such attachment is made.

Attachment
not to defeat
prior charges
lawfully made.

6. (1) Subject to the provisions of section 26 of the Indian Paper Currency Act, 1910, the local authorities mentioned in Schedule I and any other local authority to which the Governor General in Council may, by notification in the Gazette of India, extend the provisions of this section, may, with the previous sanction of the Governor General in Council, borrow money by means of the issue of bills or promissory notes payable within any period, not exceeding twelve months, for any purpose for which such local authority may lawfully borrow money under any law for the time being in force.

Issue of
short term
bills

Provided that the amount of the bills or promissory notes which may be so issued, shall not exceed, when the amount of the other moneys for the time being borrowed by such local authority is taken into account, the total amount which such local authority is empowered by law to borrow.

(2) The Governor General in Council may, by general or special order, regulate the conditions on which money may be borrowed or repaid under this section.

7. Except as provided by or under this Act, no local authority shall, for any purpose, borrow money upon, or otherwise charge its funds, and any contract entered into for that purpose after the passing of this Act shall be void.

Loans not to
be made
except under
this Act

Provided that no such loan shall be deemed to be made—

(1) to provide any local authority with a loan for the purpose of carrying out any public work or for any other purpose not connected with the carrying out of any public work.

- (b) to affect the power conferred on any local authority by any such enactment to charge its funds, by guaranteeing the payment of interest on money to be applied to any purpose to which the funds of the local authority can legally be applied.

Application
of Act to
loans exist-
ing previous
to the 5th of
September,
1871.

8. The Secretary of State in Council shall be entitled to the remedy mentioned in section 5 for the recovery of any money lent by him to any local authority before the 5th day of September, 1871, and the interest due on such money.

9. [*Repeals.*] *Repealed by the Repealing Act, 1927 (12 of 1927).*

SCHEDULE I.

(See section 6.)

The Corporation of Calcutta.

The Commissioners for the Port of Calcutta.

The Commissioners for the Port of Chittagong.

The Municipal Corporation of the City of Bombay.

The Trustees of the Port of Bombay.

The Corporation of Madras.

The Trustees for the Port of Madras.

The Municipal Committee of Rangoon.

The Commissioners for the Port of Rangoon.

The Municipality of Karachi.

The Trustees of the Port of Karachi.

The Trustees for the Improvement of the City of Bombay.

The Trustees for the Improvement of the City of Calcutta.

[SCHEDULE II.]

[*Enactments repealed.*] *Repealed by the Repealing Act, 1927 (12 of 1927).*

ACT No. X of 1914.¹

[17th March, 1914.]

An Act to amend certain enactments and to repeal certain other enactments.

WHEREAS it is expedient that certain formal amendments should be made in the enactments specified in the First Schedule.

and whereas it is also expedient that certain enactments specified in the Second Schedule which are spent, or have ceased to be in force otherwise than by express specific repeal, or have by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed;

It is hereby enacted as follows:—

1. This Act may be called the Repealing and Amending Act, 1914. *Short title.*

2. The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. *Amendment of certain enactments.*

3. [Repeal of certain enactments.] Repealed by the Repealing Act, 1927 (12 of 1927).

4. [Savings.] Repealed by the Repealing Act, 1927 (12 of 1927).

THE FIRST SCHEDULE.

AMENDMENTS.

(See section 2.)

1	2	3	4
Year.	No.	Short title.	Amendments.
1899	XXXVII	The Public Servants (Inquiries) Act, 1899.	In sect. 5, f. the words and figures "Act XXX of 1841" the words and figures "the Code of Criminal Procedure, 1873," shall be substituted.

¹ For Statement of Objects and Reasons, see Gazette of India, 1913, Pt. VI, p. 187; for Report of Select Committee, see ibid., 1914, Pt. VI, p. 45; and for Proceedings in Council, see ibid., 1914, Pt. VI, pp. 132, 133, 134 and 2, 1915, Pt. VI, pp. 131, 132 and 170.

THE FIRST SCHEDULE—*contd.*

AMENDMENTS.

(See section 2.)

1	2	3	4
Year.	No.	Short title.	Amendments.
1867	XXV	The Press and Registration of Books Act, 1867.	In section 19, for the words "Secretary to the Government of India in the Home Department," the words "Government of India" shall be substituted.
"	XXXII	The Chief Commissioners' Powers Act.	In the preamble, for the words "Chief Commissioners" the words "Chief Commissioner" shall be substituted.
1872	I	The Indian Evidence Act, 1872.	In section 37, for the words "the Governors in Council of Madras or Bombay, or of the Lieutenant-Governor in Council of Bengal" the following shall be substituted, namely: "any other legislative authority in British India constituted for the time being under the Indian Councils Act, 1861, the Indian Councils Acts, 1861 and 1892, or the Indian Councils Acts, 1861 to 1909."
1*	*	*	*
1875	XIII	The Probate and Administration Act, 1875.	In the title, for the words "Probates and Letters of Administration" the words "Court Fees" shall be substituted.
1882	V	The Indian Easements Act, 1882.	For section 3 the following section shall be substituted, namely:— "3. All references in any Act or Regulation to sections 26 and 27 of the Indian Limitation Act, 1877, or to sections 27 and 28 of Act No. IX of 1871 shall, in the territories to which this Act extends, be read as made to sections 15 and 16 of this Act."

¹ The entry relating to Act 15 of 1872 was repealed by s. 3 and Sch. II of the Devolution Act, 1920 (38 of 1920).

THE FIRST SCHEDULE—*contd.*

AMENDMENTS.

(See section 2.)

1	2	3	4
Year.	No.	Short title.	Amendments
1882	XV	The Presidency Small Cause Courts Act, 1882.	<p>In section 19, clause (b), for the words "or Bombay" the words "Bombay or Fort William in Bengal" shall be substituted.</p> <p>In section 67, for the figures and words "83 or section 85" the words and figures "480 or section 482 of the Code of Criminal Procedure, 1898," shall be substituted.</p> <p>In section 69, for the words and figures "Presidency Magistrates Act, 1877," the words and figures "Code of Criminal Procedure, 1898," shall be substituted.</p>
1886	X	The Indian Criminal Law Amendment Act, 1886.	<p>In the title and preamble, for the words "Code of Criminal Procedure, 1882, and certain other Acts," the words "Indian Penal Code" shall be substituted.</p>
1887	IX	The Provincial Small Cause Courts Act, 1887.	<p>In the Second Schedule, clause (2), for the words "or Bombay" the words "Bombay or Fort William in Bengal" shall be substituted.</p>
1891	1	The Land Acquisition Act, 1891.	<p>In section 2, sub-sections (2) and (3), for the words "said Land Acquisition Act," the words and figures "Land Acquisition Act, 1873," shall be substituted.</p>
..	VIII	The Indian Tax Act, 1891.	<p>In section 2, sub-section (2), for the words "and the Governor of Bombay in Council" the words "the Governor of Bombay or the Governor of Fort William in Bengal" shall be substituted.</p>
..	IX	The Income Tax Act, 1891.	<p>In section 47, clause (4) for the words "and" the word "or" shall be substituted.</p>

* The corresponding Act 13 of 1886 was repealed by Act 23 of the Indian Government Act, 1928 (10 of 1928).

THE FIRST SCHEDULE—*contd.*

AMENDMENTS.

(See section 2.)

1	2	3	4
Year.	No.	Short title.	Amendments.
1897	X	The General Clauses Act, 1897.	<p>In section 3, between clauses (3) and (4) the following shall be inserted, namely:—</p> <p>“(3a) ‘Assam Act’ shall mean an Act made by the Chief Commissioner of Assam in Council under the Indian Councils Acts, 1861 to 1909 :”</p> <p>For clause (5) the following shall be substituted, namely:—</p> <p>“(5) ‘Bengal Act’ shall mean, in the case of Acts passed prior to the 1st April, 1912, an Act made by the Lieutenant-Governor of Bengal in Council under the Indian Councils Act, 1861, or the Indian Councils Acts, 1861 and 1892, or the Indian Councils Acts, 1861 to 1909, and in the case of Acts passed after that date, an Act made by the Governor of the Presidency of Fort William in Bengal in Council under the Indian Councils Acts, 1861 to 1909.”</p> <p>After clause (5) the following shall be inserted, namely:—</p> <p>“(5a) ‘Bihar and Orissa Act’ shall mean an Act made by the Lieutenant-Governor of Bihar and Orissa in Council under the Indian Councils Acts, 1861 to 1909 :”</p> <p>To each of clauses (6) and (8a) the following shall be added, namely:—</p> <p>“or the Indian Councils Acts, 1861 to 1909.”</p> <p>After clause (16), the following shall be inserted, namely:—</p> <p>“(16a) ‘Eastern Bengal and Assam Act’ shall mean an Act, made by the Lieutenant-Governor of Eastern Bengal and Assam in Council under the Indian Councils Acts, 1861 and 1892, or the Indian Councils Acts, 1861 to 1909.”</p>

THE FIRST SCHEDULE—*contd*

AMENDMENTS.

(See section 2.)

1	2	3	4
Year.	No	Short title	Amendments
1897	X	The General Clauses Act, 1897— <i>concll</i>	To each of clauses (30), (44a) and 1 (55a) the following shall be added, namely — "or the Indian Councils Acts, 1861 to 1909".
"	XIV	The Indian Short Titles Act, 1897	In the Schedule, for the entry in column 4 against Act XIII of 1875 the following shall be substituted, namely — "The Court Fees (Amendment) Act, 1875"
1898	V	The Code of Criminal Procedure, 1898	In section 484, after the figures "480" the words and figures "or section 482" shall be inserted, and after the words "to punishment" the words "or forwarded him to a Magistrate for trial" shall be inserted
1900	II	The Indian Stamp Act, 1900	In Schedule I, article 24, Exemption (b) after the word "marriages" the word "divorces" shall be inserted
1903	I	The Repealing and Amending Act, 1903	In the title after the word "enactments" where it first occurs, the word "and" shall be inserted
"	XV	The Indian Extradition Act, 1903	In the First Schedule, for the figures "446" the figures "444" shall be substituted
1904	VIII	The Indian Universities Act, 1904	In section 24, sub-section (6) for the figure "3" the figure "5" shall be substituted
"	.	.	.
1914	IV	The Coroners (Amendment) Act, 1914	In section 2, before the words "the said Act" the words and figures "the Coroners Act, 1871, hereinafter referred to as" shall be inserted

¹ The entry relating to Act 3 of 1877 was repealed by A. 33 and Sch. III of the Provisional Amendment Act, 1909 (5 of 1909)

THE FIRST SCHEDULE—*contd.*

AMENDMENTS.

(See section 2.)

1	2	3	4
Year.	No.	Short title.	Amendments.
1908	V	The Code of Civil Procedure, 1908.	In Schedule I: in Appendix E, Form No. 7, for the bracketed reference " <i>(O. 21, r. 22)</i> ," the following shall be substituted, namely:— " <i>(O. 21, r. 16)</i> "; In Appendix F, the last two Forms shall be renumbered 9 and 10 instead of 6 and 7 respectively.
1910	IX	The Indian Electricity Act, 1910.	In the Schedule, in clause VII (1), for the words "a notice" the words "one month's notice" shall be substituted.
1*	*	*	*
1911	XVII	² [The Indian Aircraft Act, 1911.]	In section 12, clause (b), for the word "to" the word "by" shall be substituted.
"	XVIII	The Calcutta Improvement (Appeals) Act, 1911.	In section 3, sub-section (2), after the words "lie on" the words "one or more of" shall be inserted. In section 5, for the words "appeal as if it was" the words "appeal under this Act, as if it were" shall be substituted.
1913	II	The Official Trustees Act, 1913.	In section 30, sub-section (2), the following clause shall be inserted after clause (e):— " <i>(ee)</i> The disposal, by destruction or otherwise, of such records, books and papers belonging to or being in the custody of the Official Trustee as the Government may consider useless or unworthy of being permanently preserved."

¹The entry relating to Act 15 of 1910 was repealed by s. 29 and Sch. VI of the Cantonments Act, 1924 (2 of 1924).

²This title was substituted by s. 2 and Sch. I of the Repealing and Amending Act, 1920 (31 of 1920).

THE FIRST SCHEDULE—*concl'd*

AMENDMENTS

(See section 2)

1	2	3	4
Year.	No.	Short title	Amendments
1913	III	The Administrator-General's Act, 1913.	In section 50, sub-section (2), the following clause shall be inserted after clause (f) — " (g) The disposal by destruction or otherwise, of such records, books and papers belonging to or being in the custody of the Administrator-General as the Government may consider useless or unworthy of being permanently preserved "
"	VII	The Indian Companies Act, 1913	In the First Schedule, in Table A, paragraph 91, for the word "found" the word "formed" shall be substituted

[SECOND SCHEDULE]

[Repeals.] *Repealed by the Repealing Act, 1927 (12 of 1927).*

ACT No. XI of 1914

[18th March, 1914]

An Act to amend the Indian Companies Act, 1913.

1913. WHEREAS it is expedient to amend the Indian Companies Act, 1913; It is hereby enacted as follows :—

1. This Act may be called the Indian Companies (Amendment) Act, 1914.

¹ For Statement of Objects and Reasons, see Gazette of India, 1913, Pt. V, p. 121; for Report of Select Committee, see *ibid.*, 1914, Pt. V, p. 72; and for Proceedings in Council, see *ibid.*, 1914, Pt. VI, pp. 177, 348, 721 and 723.

Insertion of
new sections
83A and 83B
in Indian
Companies
Act, 1913.

2. After section 83 of the Indian Companies Act, 1913 (hereinafter VII of 1913, referred to as the said Act), the following heading and sections shall be inserted, namely :—

“ Directors.

Directors
obligatory.

83A. (1) Every company registered after the commencement of this Act shall have at least two directors.

(2) This section shall not apply to a private company.

Appointment
of directors.

83B. In default of and subject to any regulations in the articles of a company other than a private company—

(i) the subscribers of the memorandum shall be deemed to be the directors of the company until the first directors shall have been appointed;

(ii) the directors of the company shall be appointed by the members in general meeting; and

(iii) any casual vacancy occurring among the directors may be filled up by the directors, but the person so appointed shall be subject to retirement at the same time as if he had become a director on the day on which the director in whose place he is appointed was last appointed a director.”

Insertion of
new sections
91A, 91B,
91C and 91D
in Indian
Companies
Act, 1913.

3. After section 91 of the said Act the following sections shall be inserted, namely :—

Disclosure
of interest
by director.

“ 91A. (1) Every director who is directly or indirectly concerned or interested in any contract or arrangement entered into by or on behalf of the company shall disclose the nature of his interest at the meeting of the directors at which the contract or arrangement is determined on, if his interest then exists, or in any other case at the first meeting of the directors after the acquisition of his interest or the making of the contract or arrangement :

Provided that a general notice that a director is a member of any specified firm or company, and is to be regarded as interested in any subsequent transaction with such firm or company, shall as regards any such transaction be sufficient disclosure within the meaning of this subsection, and after such general notice, it shall not be necessary to

give any special notice relating to any particular transaction with such firm or company

(2) Every director who contravenes the provisions of sub-section (1) shall be liable to a fine not exceeding one thousand rupees

91B (1) No director shall, as a director, vote on any contract or arrangement in which he is either directly or indirectly concerned or interested, and if he does so vote, his vote shall not be counted Prohibition of voting by interested director.

Provided that the directors or any of them may vote on any contract of indemnity against any loss which they or any one or more of them may suffer by reason of becoming or being sureties or surety for the company

(2) Every director who contravenes the provisions of sub-section (1) shall be liable to a fine not exceeding one thousand rupees

91C (1) Where a company enters into a contract for the appointment of a manager of the company in which contract any director of the company is directly or indirectly concerned or interested, or varies any such existing contract, the company shall send an abstract of the terms of such contract or variation, as the case may be, together with a memorandum clearly indicating the nature of the interest of the director in such contract, or in such variation, to every member, and the contract shall be open to the inspection of any member at the registered office of the company Disclosure to members in case of contract appointing a manager.

(2) If a company makes default in complying with the requirements of sub-section (1), it shall be liable to a fine not exceeding one thousand rupees; and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

91D (1) Every manager or other agent of a company other than a private company who enters into a contract for or on behalf of the company in which contract the company is an undisclosed principal shall, at the time of entering into the contract, make a memorandum in writing of the terms of the contract, and specify therein the person with whom it has been made Contracts by agents of company in which company is undisclosed principal

(2) Every such manager or other agent shall forthwith deliver the memorandum aforesaid to the company, and such memorandum shall be filed in the office of the company and laid before the directors at the next directors' meeting

(3) If any such manager or other agent makes default in complying with the requirements of this section—

(a) the contract shall, at the option of the company, be void as against the company; and

(b) such manager or other agent shall be liable to a fine not exceeding two hundred rupees.”

ACT No. XII OF 1914.¹

[16th September, 1914.]

An Act further to amend the Sea Customs Act, 1878.

WHEREAS it is expedient further to amend the Sea Customs Act, ^{VIII of 1878.} 1878; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Sea Customs (Amendment) Act, 1914.

Amendment
of section 19,
Act VIII,
1878.

2. In section 19 of the Sea Customs Act, 1878 (hereinafter called the ^{VIII of 1878.} said Act), for the words “ or any specified part of British India ” the following shall be substituted, namely, “ or any specified part thereof, either generally or from or to any specified country, region, port or place beyond the limits of British India.”

Amendment
of section 38,
Act VIII,
1878.

3. To section 38 of the said Act the following proviso shall be added, namely:—

“ Provided that where the shipment of any goods is permitted without a shipping bill, or in anticipation of the delivery of a shipping bill, the rate of duty and tariff valuation, if any, applicable shall be the rate and valuation in force at the time when shipment of the goods commences.”

Amendment
of section 49,
Act VIII,
1878.

4. In clause (b) of section 49 of the said Act, after the word “goods” the words “ or any specified goods or class of goods ” shall be inserted; and the words “ in India ” are repealed.

Amendment
of section
137, Act
VIII, 1878.

5. (1) In section 137 of the said Act the following words are repealed, namely:—

“ Unless the Chief Customs-officer shall, in the case of any customs-port or wharf, or of any class of goods, otherwise direct by notification in the local official Gazette.”

¹ For Statement of Objects and Reasons, see Gazette of India, 1914, Pt. V, p. 130; and for Proceedings in Council, see *ibid*, 1914, Pt. VI, pp. 998 and 1046.

(2) To the same section the following proviso shall be added, namely.—

“ Provided that the Chief Customs-officer may, in the case of any customs port or wharf, by notification in the local official Gazette, and subject to such restrictions and conditions, if any, as he think fit, exempt goods or any specified goods or class of goods or any specified person or class of persons from all or any of the provisions of this section ”

6. In section 155 of the said Act, for the first paragraph shall be substituted the following, namely —

Amendment
of section
155 Act
VIII, 1878

“ When by any law for the time being in force, a special duty is imposed on denatured spirit, the Local Government may make rules for ascertaining and determining what spirit imported into British India shall be deemed to be denatured spirit for the purposes of such law, and for causing such spirit to be denatured, if necessary, by its own officers, at the expense of the person importing the same, before the customs duties leviable thereon are levied ”

ACT No XIII of 1914

[16th September, 1914]

An Act to amend the Indian Life Assurance Companies Act, 1912.

12. Whereas it is expedient to amend the Indian Life Assurance Companies Act, 1912; It is hereby enacted as follows —

1. This Act may be called the Indian Life Assurance Companies (Amendment) Act, 1914

12. 2. In section 4 (1) of the Indian Life Assurance Companies Act, 1912, and in the forms of Balance Sheet (A) and (B) set forth in the Third Schedule to the Act, for the words “ Comptroller General ” the words “ Controller of Currency ” shall be substituted

Amendment
of section 4
(1) and Third
Schedule
of Act VI, 1912.

11 + 5 = amount of Objects and Expenses, see Gazette of India, 1914, Pt. V, p. 121; and the Finance Bill in Council, see ibid., 1914, Pt. VI, pp. 90 and 107

(3) If any such manager or other agent makes default in complying with the requirements of this section—

(a) the contract shall, at the option of the company, be void as against the company; and

(b) such manager or other agent shall be liable to a fine not exceeding two hundred rupees."

ACT No. XII of 1914.¹

[16th September, 1914.]

An Act further to amend the Sea Customs Act, 1878.

WHEREAS it is expedient further to amend the Sea Customs Act, VIII of 1878: It is hereby enacted as follows:—

Short title. 1. This Act may be called the Sea Customs (Amendment) Act, 1914.

Amendment of section 19, Act VIII, 1878. 2. In section 19 of the Sea Customs Act, 1878 (hereinafter called the VIII of 1878, said Act), for the words "or any specified part of British India" the following shall be substituted, namely, "or any specified part thereof, either generally or from or to any specified country, region, port or place beyond the limits of British India."

Amendment of section 38, Act VIII, 1878. 3. To section 38 of the said Act the following proviso shall be added, namely:—

"Provided that where the shipment of any goods is permitted without a shipping bill, or in anticipation of the delivery of a shipping bill, the rate of duty and tariff valuation, if any, applicable shall be the rate and valuation in force at the time when shipment of the goods commences."

Amendment of section 49, Act VIII, 1878. 4. In clause (b) of section 49 of the said Act, after the word "goods" the words "or any specified goods or class of goods" shall be inserted; and the words "in India" are repealed.

Amendment of section 137, Act VIII, 1878. 5. (1) In section 137 of the said Act the following words are repealed, namely:—

"Unless the Chief Customs-officer shall, in the case of any customs-port or wharf, or of any class of goods, otherwise direct by notification in the local official Gazette."

¹ For Statement of Objects and Reasons. see Gazette of India, 1914, Pt. V, p. 130; and for Proceedings in Council, see *ibid*, 1914, Pt. VI, pp. 998 and 1046.

(2) To the same section the following proviso shall be added, namely :—

" Provided that the Chief Customs-officer may, in the case of any customs-port or wharf, by notification in the local official Gazette, and subject to such restrictions and conditions, if any, as he thinks fit, exempt goods or any specified goods or class of goods or any specified person or class of persons from all or any of the provisions of this section."

6. In section 155 of the said Act, for the first paragraph shall be substituted the following, namely :—

Amendment
of section
155, Act
VIII, 1878.

" When by any law for the time being in force, a special duty is imposed on denatured spirit, the Local Government may make rules for ascertaining and determining what spirit imported into British India shall be deemed to be denatured spirit for the purposes of such law, and for causing such spirit to be denatured, if necessary, by its own officers, at the expense of the person importing the same, before the customs duties leviable thereon are levied."

ACT No. XIII of 1914.¹

[16th September, 1914.]

An Act to amend the Indian Life Assurance Companies Act, 1912.

12. WHEREAS it is expedient to amend the Indian Life Assurance Companies Act, 1912; It is hereby enacted as follows :—

1. This Act may be called the Indian Life Assurance Companies (Amendment) Act, 1914.

12. 2. In section 4 (1) of the Indian Life Assurance Companies Act, 1912, and in the forms of Balance Sheet (A) and (B) set forth in the Third Schedule to the Act, for the words " Comptroller General " the words " Controller of Currency " shall be substituted.

¹ For Statement of Objects and Reasons, see Gazette of India, 1914, Pt. V, p. 121; and for Proceedings in Council, see *ibid.*, 1914, Pt. VI, pp. 936 and 1067.

ACT No. XIV OF 1914.¹

[16th September, 1914.]

An Act further to amend the Indian Telegraph Act, 1885,
and the Indian Post Office Act, 1898.

WHEREAS in view of the amalgamation of the offices of Director General of Telegraphs and of Director General of the Post Office of India, it is expedient further to amend the Indian Telegraph Act, 1885, XIII of 1885, and the Indian Post Office Act, 1898; It is hereby enacted as follows :— VI of 1898.

Short title.

1. This Act may be called the Indian Post Office and Telegraph (Amendment) Act, 1914.

Amendment
of sections 3
and 29A of
Act XIII of
1885.

2. In clause (c) of section 3 and in section 29A of the Indian Telegraph Act, 1885, for the word "Telegraphs", wherever it occurs, the words "Posts and Telegraphs" shall be substituted.

Amendment
of section 2
of Act VI of
1898.

3. In section 2 of the Indian Post Office Act, 1898,— VI of 1898.

(i) in clause (a), for the words "the Post Office of India" the words "Posts and Telegraphs" shall be substituted; and

(ii) in clause (k), after the word "department", the words "established for the purpose of carrying the provisions of this Act into effect and" shall be inserted.

ACT No. XV OF 1914.²

[16th September, 1914.]

An Act to amend the Indian Army Act, 1911.

WHEREAS it is expedient to amend the Indian Army Act, 1911; It VIII of 1911,
is hereby enacted as follows :—

Short title:

1. This Act may be called the Indian Army (Amendment) Act, 1914.

¹ For Statement of Objects and Reasons, see Gazette of India, 1914, Pt. V, p. 132; and for Proceedings in Council, see *ibid*, 1914, Pt. VI, pp. 997 and 1047.

² For Statement of Objects and Reasons, see Gazette of India, 1914, Pt. V, p. 133; and for Proceedings in Council, see *ibid*, 1914, Pt. VI, pp. 999 and 1047.

1. 2: For section 114 of the Indian Army Act, 1911, the following section shall be substituted, namely:—

Substitution
of new sec-
tion 114, Act
VIII of 1911.

"114. The following rules are enacted respecting the disposal of the property of every person subject to this Act who dies or deserts — Property of deceased persons and deserters.

(1) The commanding officer of the corps, detachment or department to which the deceased person or deserter belonged shall secure all the moveable property belonging to the deceased or deserter that is in camp or quarters, and cause an inventory thereof to be made, and draw any pay and allowances due to such person

(2) In the case of a deceased person who has left in a Government savings bank (including any post office savings bank, however named) a deposit not exceeding one thousand rupees, the commanding officer may, if he thinks fit, require the secretary or other proper officer of the bank to pay the deposit to him forthwith, notwithstanding anything in any departmental rules; and after the payment thereof in accordance with such requisition, no person shall have any right in respect of the deposit except as hereinafter provided

(3) In the case of a deceased person whose representative is on the spot and has given security for the payment of the regimental or other debts in camp or quarters (if any) of the deceased, the commanding officer shall deliver over any property received under clauses (1) and (2) to that representative.

(4) In the case of a deceased person whose estate is not dealt with under clause (3), and in the case of any deserter, the commanding officer shall cause the moveable property to be sold by public auction, and shall pay the regimental and other debts in camp or quarters (if any), and, in the case of a deceased person, the expenses of his funeral ceremonies, from the proceeds of the sale and from any pay and allowances drawn under clause (1) and from the amount of the deposit (if any) received under clause (2).

(5) The surplus, if any, shall, in the case of a deceased person, be paid to his representative, (if any), or in the event of no claim to such surplus being established within twelve months after the death, then the same shall be treated to the prescribed purposes.

Army (Amendment).

[1914: Act XV.

Aircraft (Amendment).

[1914: Act XVI.

(6) In the case of a deserter, the surplus (if any) shall be forthwith remitted to the prescribed person and shall, on the expiry of three years from the date of his desertion, be forfeited to His Majesty, unless the deserter shall in the meantime have surrendered or been apprehended.

Meaning of
desertion.

Explanation.—A person shall be deemed to be a deserter within the meaning of this section who has without authority been absent from duty for a period of sixty days and has not subsequently surrendered or been apprehended."

ACT No. XVI of 1914.¹

[16th September, 1914.]

An Act to amend the Indian Airships Act, 1911.

WHEREAS it is expedient to amend the Indian Airships Act, 1911; ^{XVII of 1911.}
It is hereby enacted as follows:—

Short title.

1. This Act may be called the Indian Aircraft (Amendment) Act, 1914.

Substitution
of the word
"aircraft"
for the words
"airship"
and "air-
ships"
in Act XVII,
1911.

2. In the Indian Airships Act, 1911 (hereinafter called the said Act), ^{XVII of 1911.}
for the words "airship" and "airships", wherever they occur, there shall be substituted the word "aircraft".

Amendment
of section 7,
Act XVII,
1911.

3. For section 7 of the said Act, the following sections shall be substituted, namely:—

Prohibition
and regula-
tion of navi-
gation of
aircraft.

" 7. (1) The Governor General in Council may, by notification in the Gazette of India, prohibit or regulate the navigation of aircraft over, or the entry of aircraft by flight into, British India or any part thereof, including the territorial waters adjacent thereto.

¹ For Statement of Objects and Reasons, see Gazette of India, 1914, Pt. V, p. 134; and for Proceedings in Council see *ibid*, 1914, Pt. VI, pp. 1000 and 1047.

(2) Subject to the control of the Governor General in Council, the Local Government of a province may, by notification in the local official Gazette, exercise in respect of the province the like powers of prohibiting or regulating navigation as are conferred by sub-section (1) on the Governor General in Council.

(3) Any notification issued under sub-section (1) or (2) may apply either to all aircraft or to any specified class or description of aircraft, and may prohibit navigation or entry as aforesaid, as the case may be, either at all times or at specified times or on specified occasions, and either absolutely or subject to specified exceptions or conditions, and such conditions may, without prejudice to the generality of the foregoing provision, require any aircraft—

- (a) to display specified signals or marks
- (b) to comply with specified signals in a specified manner,
- (c) to land within a specified area or at a specified place, and
- (d) in the case of aircraft entering British India by flight, also to enter at a specified place.

7A (1) Whenever an aircraft contravenes the conditions of a notification issued under section 7 requiring it to comply with specified signals in a specified manner, any person appointed in this behalf by the Governor General in Council may fire at or into such aircraft, and use any and every other means necessary to compel compliance.

Compliance
with signals.

(2) The Governor General in Council may delegate to any authority the power of making appointments under sub-section (1).

4 For clause (5) of section 8 of the said Act the following clause shall be substituted, namely:—

Amendment
of section 8
(5), Act
XVII, 1911.

"(5) A pilot is not liable under section 7 for contravening any act, unless, in the case of contravening a condition relating to navigation or landing, he proves that he was compelled thereto by stress of weather or other circumstances over which he had no control."

ACT No. XVII of 1914.¹

[16th September, 1914.]

An Act to amend certain enactments and to repeal certain other enactments.

WHEREAS it is expedient that certain formal amendments should be made in the enactments specified in the First Schedule;

And whereas it is also expedient that certain enactments specified in the Second Schedule, which are spent, or have ceased to be in force otherwise than by express specific repeal, or have by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed;

It is hereby enacted as follows:—

Short title:

1. This Act may be called the Second Repealing and Amending Act, 1914.

Amendment
of certain
enactments:

2. The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

3. [*Repeal of certain enactments.*] Repealed by the Repealing Act, 1927 (12 of 1927).

4. [*Savings.*] Repealed by the Repealing Act, 1927 (12 of 1927).

THE FIRST SCHEDULE.

AMENDMENTS.

(See section 2.)

1	2	3	4
Year.	No.	Short title.	Amendments.
1870	VII	The Court Fees Act, 1870	In Schedule II, Article 6, for the words "Bail bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any Section of the Code of Criminal Procedure, 1882, or the Code of Civil Procedure", the following shall be substituted, namely:— "Bail bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate."

¹ For Statement of Objects and Reasons, see Gazette of India, 1914, Pt. V, p. 140; and for Proceedings in Council, see *ibid*, 1914, Pt. VI, pp. 1001 and 1048.

(The First Schedule.—Amendments.)

1	2	3	4
Year.	No.	Short title.	Amendments.
1870	VII	The Court Fees Act, 1870— <i>contd.</i>	under any section of the Code of Criminal Procedure, 1899, or the Code of Civil Procedure, 1909, and not otherwise provided for by this Act "
1893	III	The Government Tenants (Punjab) Act, 1893.	1. In the title and preamble for the word "Punjab" the words "North-West Frontier Province" shall be substituted 2. For section 1, the following section shall be substituted— "1. (1) This Act may be called the Government Tenants (North-West Frontier Province) Act, 1893. (2) It extends to the territories for the time being administered by the Chief Commissioner of the North-West Frontier Province" <i>etc etc</i>
1897	X	The General Clauses Act, 1897.	1. In section 3, after clause (5) (a), the following shall be inserted, namely— "(5) (b) 'Central Provinces Act' shall mean an Act made by the Chief Commissioner of the Central Provinces in Council under the Indian Councils Acts, 1861 to 1909" 2. To section 24 the following shall be added, namely— "and when any Act of the Governor General in Council or Regulation, which by a notification under section 5 or 5A of the Scheduled Districts Act, 1874, or any like law, has been extended to any local area, has, by a subsequent notification, been withdrawn from and re-extended to such area or any part thereof, the provisions of such Act or Regulation shall be deemed to have been repealed and re-enacted in such area or part with, in the meaning of this section."

The entry in the Indian Tax Act, II of 1906, was repealed by a 5 and 11 of the Indian Tax (Amendment) Act, 1912 (4 of 1912), *etc etc*

(The First Schedule.—Amendments.)

1	2	3	4
Year.	No.	Short title.	Amendments.
1897	X	The General Clauses Act, 1897— <i>contd.</i>	3. After section 29, the following section shall be added, namely :— “ 30. In this Act the expression ‘ Act ’ of the Governor General in Council, wherever it occurs, except in section 5, and the word ‘ Act ’ in clauses (9), (12), (38), (48) and (50) of section 3 and in section 25 shall be deemed to include an Ordinance made and promulgated by the Governor General under section 23 of the 21 and 25 Viet., c. 67. Indian Councils Act, 1861.”
1908	V	The Code of Civil Procedure, 1908.	In the First Schedule, Order V, for clause (b) of rule 26, the following shall be substituted :— “ (b) the Governor General in Council has by notification in the Gazette of India, declared in respect of any Court situate in any such territory and not established or continued in the exercise of any such jurisdiction as aforesaid, that service by such Court of any summons issued by a Court under this Code shall be deemed to be valid service.”
1911	II	The Indian Patents and Designs Act, 1911.	In sub-section (5) of section 16, after the word “ conditions ” the words “ and restrictions ” shall be inserted.
1914	IV	The Decentralization Act, 1914.	In Part I of the Schedule in No. 1 of the amendments made in Act XX of 1883, for the word “ Commissioner ” the words “ the Commissioner ” shall be substituted.

[THE SECOND SCHEDULE.]

[Repeals.] Repealed by the Repealing Act, 1927 (12 of 1927.)

ACT No. III of 1915.¹

[17th March, 1915.]

An Act to amend the Foreigners Act, 1864.

04. WHEREAS it is expedient to amend the Foreigners Act, 1861; It is hereby enacted as follows:—

1. This Act may be called the Foreigners (Amendment) Act, 1915. Short title.

84. 2. In section 1 of the Foreigners Act, 1861, for the words "not being either a natural born subject of Her Majesty within the meaning of the Statute 3 and 4 William IV, Chapter 85, section 61, or a native of British India" the following words shall be substituted, namely:—

Amendment of section 1 of Act III of 1864.

" (a) who is not a natural born British subject as defined in sub-sections (1) and (2) of section 1 of the British Nationality and Status of Aliens Act, 1914, or

(b) who has not been granted a certificate of naturalisation as a British subject under any law for the time being in force in British India;

Provided that any British subject who, under any law for the time being in force in British India, ceases to be a British subject, shall thereupon be deemed to be a foreigner."

54. 3. After section 3 of the Foreigners Act, 1858, the following section shall be inserted, namely:—

" 3A. (1) Whenever in a Presidency town the Commissioner of Police, or elsewhere the Magistrate of the District, considers that the Local Government should be moved to issue an order under section 3 in respect of any foreigner who is within the limits of such Presidency town or of the jurisdiction of such Magistrate, he may report the case to the Local Government and at the same time issue a warrant for the apprehension of such foreigner.

(2) Any officer issuing a warrant and a subpoena (if any, in his discretion), direct by endorsement on the warrant that if such foreigner

The following cases are cited: *see* *Gu. v. U.S.*, 236, Pl. V, p. 141; *The People v. John C. ...*, *ibid.*, 236, Pl. V, p. 21; *U.S. v. ...*, *ibid.*, 236, Pl. VI, p. 102; and *ibid.*, 236, Pl. VI, p. 107.

The Act has been declared in force in the North Pacific by Proclamation No. 23 (all of it) in the *North Pacific News & Register*, 17 Feb. 1900, as amended by a part of the North Pacific News and Laws Register, 17 Feb. 1900, II and O Gazette 127, Pt II, p. 157.

executes a bond with or without sureties for his attendance at a specified place and time, the person to whom the warrant is directed shall take such security and release such foreigner from custody.

(3) Any person executing a warrant under sub-section (1) may search for and apprehend the foreigner named in such warrant; and, subject to any direction issued under sub-section (2), shall forthwith cause such foreigner when apprehended to be produced before the officer issuing the warrant.

(4) When a foreigner for whose apprehension a warrant has been issued under sub-section (1) is produced or appears before the officer issuing such warrant, such officer may direct him to be detained in custody pending the orders of the Local Government, or may release him on his executing a bond with or without sureties to appear at a specified place and time and thereafter if and when required until such orders are obtained.

(5) Any officer who has, in accordance with the provisions of sub-section (4), ordered a foreigner to be detained or released on his executing a bond shall forthwith report the fact to the Local Government. On the receipt of a report under this sub-section the Local Government shall without delay either direct that the foreigner be discharged or make an order for the removal of such foreigners in accordance with the provisions of section 3."

ACT No. VII of 1915.¹

[22nd March, 1915.]

An Act to declare the law in force in certain territory added to the Province of Delhi.

WHEREAS by proclamation published in Notification No. 984-C., dated 22nd day of February, 1915, the Governor General in Council, with the sanction and approbation of the Secretary of State for India, has been pleased to take under his immediate authority and management the territory mentioned in Schedule I, which was formerly included within the United Provinces of Agra and Oudh, and to include

¹ For Statement of Objects and Reasons, see Gazette of India, 1915, Pt. V, p. 19; and for Proceedings in Council, see *ibid*, 1915, Pt. VI, pp. 110 and 310.

the said territory in the Province of Delhi with effect from the 1st April, 1915;

And whereas it is expedient to declare the law in force in the said territory;

It is hereby enacted as follows.—

1. (1) This Act may be called the Delhi Laws Act, 1915.

Short title
and com-
mencement.

(2) It shall come into force on the first day of April, 1915

2. All enactments (except the enactments specified in Schedule II) for the time being in force in the territory specified in Schedule A to the Delhi Laws Act, 1912, and all notifications, orders, schemes, rules, forms and by-laws issued, made or prescribed under such enactments shall be deemed to be in force in the territory specified in Schedule I in the same manner and subject to the same modifications as they are for the time being in the territory specified in the said Schedule to the said Act

Application
to added area
of law in
force in exist-
ing Province
of Delhi.

3. The enactments specified in Schedule III, and all notifications, orders, schemes, rules, forms and by-laws issued, made or prescribed under these enactments shall continue to be in force in the territory specified in Schedule I

Continued
in added area
of certain
laws now in
force in the
United
Provinces.

Provided that in the enactments so continued and in all notifications, orders, schemes, rules, forms and by-laws issued, made or prescribed thereunder, reference to a Local Government, the Lieutenant Governor of the United Provinces of Agra and Oudh, or the Board of Revenue for the United Provinces shall be read as referring to the Chief Commissioner of Delhi; references to a High Court or the High Court of Judicature of the North-Western Provinces as referring to the [High Court of Judicature at Lahore], and references to the official gazette for the United Provinces as referring to the Gazette of India

4. For the purpose of facilitating the application to the territory mentioned in Schedule I of the enactments referred to in section 3, the powers conferred by sections 1 and 5 of the Delhi Laws Act, 1912, shall be exercisable in respect thereof.

Provis on for
facilitating
application
of certain
enactments

5. Save as provided in sections 2 and 3 no enactment which is in force in the United Provinces of Agra and Oudh or any part thereof shall continue to be in force in the territory specified in Schedule I.

Excluded
certain
enactments
from the
added area

1 These words were only added by s. 2 and Sch. I of the repealing and Amending Act 1919 (No. 1 of 1919)

(Schedule I.—Territory added to the Province of Delhi.)

Pending
proceedings.

6. Nothing in this Act shall affect any proceeding which at the commencement thereof is pending in respect of any of the territory mentioned in Schedule I or of anything arising in such territory and every such proceeding shall be continued as if this Act had not been passed :

Provided that the Local Government may, by notification in the Gazette of India, direct that any proceeding, criminal, civil or revenue, other than a proceeding pending before the High Court of Judicature for the North-Western Provinces, shall be transferred to, and disposed of by, the corresponding authority of the Delhi Province.

Amendment
of section 7
of Act XIII
of 1912.

7. In section 7 of the Delhi Laws Act, 1912, for the words " the XIII of territory mentioned in Schedule A" the words " the Province of Delhi" 1912. shall be substituted.

Construc-
tion.

8. This Act shall be construed with, and deemed to be part of, the XIII of Delhi Laws Act, 1912. 1912.

SCHEDULE I.

TERRITORY ADDED TO THE PROVINCE OF DELHI

(See section 2.)

Revenue estates of—

1. Subehpur.
2. Jagatpur.
3. Baqiabad.
4. Beharipur.
5. Saadatpur Mahal Gujran.
6. Saadatpur Musalmanan.
7. Saadatpur Amad Delhi.
8. Wazirabad.
9. Khajuari Paramad.
10. Khajuri Khas.
11. Garhi Mendu.
12. Timarpur.
13. Chandrawal.
14. Usmanpur.
15. Ghonda patti Gujran Khadar

(Schedule I.—Territory added to the Province of Delhi.)

16. Ghonda patti Chauhan Khadar.
17. Andhavli.
18. Kaithwara.
19. Silampur Amad Delhi.
20. Ghondli Khadar.
21. Jatwara Khurd.
22. Mubarakpur Reti.
23. Shakarpur Khadar.
24. Nagla Manchi.
25. Shamspur.
26. Gharaunda Nimka Khadar.
27. Nagli Razapur.
28. Chilla Sarauda Khadar.
29. Qarawalnagar ur/ Dharauti Kaln.
30. Jivanpur Johripur.
31. Mustafabad.
32. Mirpur Turk.
33. Ziauddinpur.
34. Khanpur Dhani.
35. Maujpur.
36. Ghonda patti Gujra Bangar.
37. Ghonda patti Chauhan Bangar.
38. Jafrahad.
39. Uldanpur.
40. Babarpur.
41. Sagarpur.
42. Gokalpur.
43. Sabauli.
44. Manlauli.
45. Tabarpur.
46. Jhilrauli.
47. Chandavli ur/ Sadara
48. Silampur Bangar.
49. Silampur Khadar.
50. Ghondli Bangar.
51. Katsardaman.
52. Khureji Khas.

(Schedule I.—Territory added to the Province of Delhi.)

53. Khureji Baramad.
54. Shakarpur Khas Bangar.
55. Mandavli Fazilpur.
56. Hasanpur Bhuapur.
57. Ghazipur.
58. Khichripur.
59. Gharaunda Nimka Bangar (Patparganj).
60. Shakarpur Baramad.
61. Kotla.
62. Chilla Sarauda Bangar.
63. Dalupura.
64. Kondli.
65. Gharauli.

SCHEDULE II.

ENACTMENTS IN FORCE IN THE DELHI PROVINCE WHICH WILL NOT BE
IN FORCE IN THE TERRITORY ADDED TO THAT PROVINCE.

(See section 2.)

Year.	Number.	Short title.	Remarks.
1	2	3	4
		<i>Acts of the Governor General of India in Council.</i>	
1887	XVI	The Punjab Tenancy Act, 1887.	....
"	XVII	The Punjab Land Revenue Act, 1887.	....
1*	*	* * * *	....
		<i>Punjab Acts.</i>	
1900	II	The Punjab Land Preservation (<i>Chos</i>) Act, 1900.	....
1912	V	The Colonization of Government Lands (Punjab) Act, 1912.	....
1913	I	The Punjab Pre-emption Act, 1913.	....
"	II	The Redemption of Mortgages (Punjab) Act, 1913.	....

* The entry relating to Act 13 of 1900 was repealed by s. 3 and Sch. 11 of the Repealing and Amending Act, 1927 (10 of 1927).

1915: Act VII.]

Delhi Laws.

97

1915: Act IX.]

Sea Customs.

SCHEDULE III.

ENACTMENTS IN FORCE IN THE UNITED PROVINCES OF AGRA AND OUDH WHICH WILL CONTINUE TO BE IN FORCE IN THE TERRITORY ADDED TO THE DELHI PROVINCE

(See section 3.)

Year.	Number	Short title	Remarks
1	2	3	4
		<i>Acts of the Governor General of India in Council</i>	
1882	IV	The Transfer of Property Act, 1882	....
"	V	The Indian Easements Act, 1882.	....
1891	VIII	An Act to extend the Indian Easements Act, 1882, to certain areas in which that Act is not in force	....
		<i>United Provinces Acts</i>	
1901	II	The Agra Tenancy Act, 1901.	.. .
"	III	The United Provinces Land Revenue Act, 1901.	.. .
1904	I	The United Provinces General Clauses Act, 1904.	In so far as it applies to the Agra Tenancy Act, 1901, and the United Provinces Land Revenue Act, 1901.

ACT No IX of 1915.¹

[25th March, 1915]

An Act further to amend the Sea Customs Act, 1878.

WHEREAS it is expedient further to amend the Sea Customs Act, 1878; It is hereby enacted as follows:—

1. This Act may be called the Sea Customs (Amendment) Act, 1915.

2. In the proviso to section 35 of the Sea Customs Act, 1878, for the words "the word 'goods' shall be substituted by the word 'articles'" the word "goods" shall be substituted.

¹ The System of Customs and Taxes, see *Gazette of India*, 1915, Pt. V, p. 211 and the Proceedings in Council, see ibid., 1915, Pt. VI, pp. 107 and 302.

Repealing and Amending.

[1915: Act XI.]

namely, "of the actual removal of such goods from the warehouse in the case of goods delivered out of a warehouse for home consumption, and in the case of goods delivered out of a warehouse for removal under bond to be re-warehoused where the duty is paid on such goods without their being re-warehoused, the rate and valuation (if any) in force on the date on which duty is paid."

ACT No. XI OF 1915.¹

[22nd September, 1915.]

An Act to amend certain enactments and to repeal an enactment.

WHEREAS it is expedient that certain formal amendments should be made in the enactments specified in the First Schedule;

And whereas it is also expedient that the enactment specified in the Second Schedule, which is unnecessary, should be expressly and specifically repealed; It is hereby enacted as follows:—

- | | |
|----------------------------------|--|
| Short title. | 1. This Act may be called the Repealing and Amending Act, 1915. |
| Amendment of certain enactments. | 2. The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. |
| | 3. [<i>Repeal of certain words and figures in Act VIII of 1915.</i>] Repealed by the Repealing Act, 1927 (12 of 1927). |
| | 4. [<i>Savings.</i>] Repealed by the Repealing Act, 1927 (12 of 1927). |

¹ For Statement of Objects and Reasons, see Gazette of India, 1915, Pt. V, p. 50; and for Proceedings in Council, see *ibid*, 1915, Pt. VI, pp. 439 and 463.

The Act has been declared in force in the Sonthal Parganas by notification under s. 3 (3) (a) of the Sonthal Parganas Settlement Regulation, 1872 (3 of 1872), as amended by s. 3 of the Sonthal Parganas Justice and Laws Regulation, 1899 (3 of 1899), B. and O. Gazette, 1916, Part II, p. 1338.

THE FIRST SCHEDULE.

AMENDMENTS

(See section 2.)

1	2	3	4
Year.	No.	Short title	Amendments
1867	XXV	The Press and Registration of Books Act, 1867.	In section 21, after the word "books" the words "or papers" shall be inserted.
1882	IV	The Transfer of Property Act, 1882	In the last paragraph of section 69, and in clause (c) of section 69 of the said Act, for the words "and Akyab" and for the words "or Akyab" the words "Akyab and in any other town which the Governor General in Council may, by notification in the Gazette of India, specify in this behalf" and the words "Akyab or in any other town which the Governor General in Council may, by notification in the Gazette of India, specify in this behalf" shall be substituted, respectively.
1887	IX	The Provincial Small Cause Courts Act, 1887.	In section 4, sub section (1), for the words "an Additional Judge" the words "Additional Judges" shall be substituted, and in sub sections (2) and (3) of the same section, for the words "the Additional" the words "an Additional" shall be substituted, and in sub section (4) of the same section, before the word "Additional" the word "senior" shall be inserted.
1915	VII	The Indian Companies Act, 1913.	In section 26, after the word "company" where that word occurs for the last time in subsection (1), the following shall be added: "and all make rules providing for all matters relating to the winding up of companies which by the Act, are to be prescribed."

[THE SECOND SCHEDULE.]

[Repealed] Repealed by the Repealing and Amending Act, 1927 (12 of 1927)

The Repealing and Amending Act, 1927 (12 of 1927) is hereby repealed.

ACT No. XVI OF 1915.¹

[1st October, 1915.]

An Act to establish and incorporate a teaching and residential Hindu University at Benares.

WHEREAS it is expedient to establish and incorporate a teaching and residential Hindu University at Benares, and to dissolve the Hindu University Society, a Society registered under the Societies Registration Act, 1860, and to transfer to, and vest in, the said University all property and rights now vested in the said Society; It is hereby enacted as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Benares Hindu University Act, 1915.

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, direct.

Definition.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "College" means any college or institution maintained or admitted to privileges by the University;

(b) "Council" means the University Council;

(c) "Court" means the University Court;

(d) "Faculty" means a Faculty of the University;

(e) "Regulations" means the Regulations of the University for the time being in force;

(f) "Senate" means the Senate of the University;

(g) "Statutes" means the Statutes of the University for the time being in force; and

(h) "University" means the Benares Hindu University.

Incorporation.

3. (1) The First Chancellor, Pro-Chancellor and Vice-Chancellor who shall be the persons specified in this behalf by a notification of the Governor General in Council in the Gazette of India, and the persons indicated in Schedule I as members of the Court and the Senate, and all

¹For Statement of Objects and Reasons, see Gazette of India, 1915, Pt. V, p. 41; for Report of Select Committee, see *ibid*, 1915, Pt. V, p. 61, and for Proceedings in Council, see *ibid*, 1915, Pt. VI, pp. 291, 441 and 503.

²The 1st April, 1916, see Gen. R. and O., Vol. IV, p. 512.

persons who may hereafter become, or be appointed as, such officers or members, so long as they continue to hold such office or membership, shall be constituted a body corporate by the name of the Benares Hindu University

(2) The University shall have perpetual succession and a common Seal, and shall sue, and be sued, by the name first aforesaid

(3) The University shall be deemed to have been incorporated for the purposes, among others, of making provision for imparting education literary, artistic and scientific as well as agricultural, technical, commercial and professional, of furthering the prosecution of original research, and of giving instruction in Hindu theology and religion, and of promoting the study of literature, art, philosophy history, medicine and science, and of imparting physical and moral training

4 (1) The University shall, subject to the Regulations be open to persons of all classes, castes and creeds but provision shall be made for religious instruction and examination in Hindu religion only

University open to all classes, castes and creeds save as regards religious instruction.

(2) The Court shall have power to make Statute providing that instruction in Hindu religion shall be compulsory in the case of Hindu students and shall also have power to make special arrangements for the religious instruction of Jain or Sikh students from funds provided for this purpose

5 The Governor General of India for the time being shall be the Lord Rector of the University, and such persons, as may be specified in the Statutes, shall be the Patrons and Vice Patrons thereof

Lord Rector, Patrons and Vice Patrons.

6 (1) The Lieutenant Governor for the time being of the United Provinces of Agra and Oudh shall be the Vice-Chancellor of the University

Authorities
and officers
of the Uni-
versity.

7. The following shall be the authorities and officers of the University :—

- I.—The Chancellor,
- II.—The Pro-Chancellor, *of whom there shall be two*
- III.—The Vice-Chancellor,
- IV.—The Pro-Vice-Chancellor,
- V.—The Court,
- VI.—The Council,
- VII.—The Senate,
- VIII.—The Syndicate, *The Standing Finance Committee.*
- IX.—The Faculties and their Deans,
- X.—The Registrar,
- XI.—The Treasurer, and
- XII.—Such other authorities and officers as may be provided for by the Statutes.

Powers and
duties of
officers,
terms of
office and
filling of
casual
vacancies.
The Court.

8. Subject to the provisions of this Act, the powers and duties of the officers of the University, the term for which they shall hold office, and the filling up of casual vacancies in such offices, shall be provided for by the Statutes.

9. (1) The Court shall be the supreme governing body of the University in administrative matters, and shall have power to review the acts of the Senate (save when the Senate has acted in accordance with powers conferred on it under this Act, the Statutes or the Regulations), and shall exercise all the powers of the University not otherwise provided for by this Act or the Statutes.

(2) ¹[No person not being a Hindu shall become or be appointed a member of any Court other than the first Court unless he has been a member of the first Court.]

The Council.

10. (1) The Council shall be the executive body of the Court, and shall, in addition to *ex-officio* members, consist of not more than thirty elected members :

Provided that five members, other than *ex-officio* members, shall be members of the Senate elected by the Senate.

(2) The Council shall exercise such powers and perform such duties as may be vested in it by the Statutes.

¹ This sub-section was substituted by s. 2 of the Benares Hindu University (Amendment) Act, 1922 (3 of 1922).

11. (1) The Senate shall be the academic body of the University. The Senate, and, subject to the Act, the Statutes and Regulations, shall have entire charge of the organization of instruction in the University and the Colleges, the courses of study and the examination and discipline of students and the conferment of ordinary and honorary degrees.

(2) The Senate shall ordinarily consist of not less than fifty members.

12. (1) The Syndicate shall be the executive body of the Senate, The Syndicate, and shall consist of ^{fourteen} ~~seventeen~~ members.

Provided that ten at least of the members of the Syndicate, other than *ex officio* members, shall be University Professors or Principals or Professors of Colleges.

(2) The Syndicate shall exercise such powers and perform such duties as may be vested in it by the Statutes.

13. (1) The accounts of the University shall, once at least in every year and at intervals of not more than fifteen months, be audited by auditors appointed by the Court. ^{Audit of accounts.}

Provided that no person shall be appointed an auditor in the exercise of this power, unless he is qualified in accordance with the provisions of 1913. the Indian Companies Act, 1913, to audit accounts of companies under that Act.

(2) The accounts, when audited, shall be published in the Gazette of India and a copy of the accounts, together with the auditor's report, shall be submitted to the Visitor.

14. The University shall invest, and keep invested, in securities in which trust funds may be invested, in accordance with the provisions of the law relating to trusts in British India, a sum of fifty lakhs of rupees as a permanent endowment to meet the recurring expenses of the University other than charges in respect of scholarship, prize and rewards. ^{Permanent provision for maintenance of endowment.}

Provided that—

(1) any Government securities acquired by the Indian Securities Act, 1887, which may be held by the University shall, for the purpose of this section, be reckoned at their face value; and

(2) the aforesaid sum of fifty lakhs shall be realized by such means, at the commencement of this Act, the Governor-General in Council

1915: Act XVI. Sec. 14. See also the Indian Securities Act, 1887 (13 of 1887).

shall, by order in writing, declare to be the total capitalised value, for the purposes of this section—

(a) of all permanent recurring grants of money which have been made to the University by any Indian Prince or Chief; and

(b) of the total income accruing from immoveable property which has been transferred to the University.

Maintenance
and admis-
sion to privi-
leges of
colleges.

15. (1) The Central Hindu College, Benares, shall, from such date as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf, be deemed to be a College maintained by the University, and the University may found and maintain other colleges and institutions in Benares for the purposes of carrying out instruction and research.

(2) With the approval of the Senate and the sanction of the Visitor, and subject to the Statutes and Regulations the University may admit colleges and institutions in Benares to such privileges of the University, subject to such conditions, as it thinks fit.

Recognition
of degrees.

16. The degrees, diplomas, certificates and other academic distinctions granted by the University, shall be recognized by the Government to the same extent and in the same manner as the corresponding degrees, diplomas, certificates and other academic distinctions granted by any other University incorporated by an Act of the Governor General in Council.

16-A.

Statutes.

17. (1) Subject to the provisions of this Act, the Statutes may provide for any or all of the following matters, namely:—

(a) the constitution, powers and duties of the Court, the Council, the Senate, the Syndicate, ^{the Standing Finance Committee} and such other bodies, as it may be deemed necessary to constitute from time to time;

(b) the election and continuance in office of the members of the said bodies, including the continuance in office of the first members, and the filling of vacancies of members and all other matters relative to those bodies for which it may be necessary or desirable to provide;

(ii) after clause (c), the following clause shall be inserted, namely:—

“(cc) the constitution of a pension or provident fund for the benefit of the officers, teachers and other servants of the University;” and

- (d) for the instruction of ^{and examination} Hindu students in Hindu religion, and
 (e) all other matters relating to the administration of the University

(2) The first Statutes shall be those set out in Schedule I

(3) The Court may, from time to time, make new or additional Statutes or may amend or repeal the Statutes

(4) The Council shall have power to draft and propose to the Court Statutes to be made by the Court, and it shall be the duty of the Court to consider the same

(5) All new Statutes or additions to the Statutes or amendments or repeals to Statutes other than Statutes providing for the instruction of Hindu students in Hindu religion, shall require the previous approval of the Visitor, who may sanction, disallow, or remit for further consideration

Provided that no Statute contains clause in the constitution of the

- (b) in the proviso to sub-section (5), after the words "first Statutes" the following shall be inserted, namely —

and no Statute containing repealing or amending any provision which relates to the constitution

(c) the tenure of office and terms and manner of appointment and the duties of the examiners and examination board,

(d) the discipline to be enforced in regard to the students and in the faculty,

(e) the degree diplomas certificates and other titles and distinctions to be awarded by the University, the qualifications for the same, and the means to be taken to secure the carrying out of tenure of the same

(f) the withdrawal of degrees diplomas certificates and other titles and distinctions

- (g) the removal from membership of the University of graduates and undergraduates; and
- (h) all such other subjects as are required or authorised by the Act or Statutes to be prescribed by means of Regulations.
- (2) The first Regulations shall be framed as directed by the Governor General in Council, and shall receive his previous approval.
- (3) The Senate, from time to time, may make new or additional Regulations, or amend or repeal Regulations.
- (4) The Syndicate shall have power to draft and propose to the Senate Regulations to be made by the Senate, and it shall be the duty of the Senate to consider the same.
- (5) All new Regulations or additions to the Regulations, or amendments or repeals to Regulations, shall require the previous approval of the Visitor, who may sanction, disallow or remit for further consideration :

Provided that no regulation making a change in the first Regulations as to the admission of students to the University, shall be made without the previous sanction of the Governor General in Council.

Emergency
powers of
the Governor
General in
Council.

19. (1) If, at any time, the Governor General in Council is of opinion that special reasons exist which make the removal of any member of the teaching staff desirable in the interest of the University, or that, as a special measure, the appointment of a certain examiner or examiners to report to him is desirable to maintain the standard of University examinations, or that the scale of staff of the University is inadequate, or that in any other respect the affairs of the University are not managed in the furtherance of the objects and purposes of the University or in accordance with this Act and the Statutes and Regulations, he may indicate to the Council any matter in regard to which he desires explanation, and call upon that body to offer such explanation as it may desire to offer, with any proposals which it may desire to make, within such time as he may prescribe.

(2) If the Council fails to offer any explanation within the time prescribed or offers an explanation or makes proposals which, in the opinion of the Governor General in Council, is or are unsatisfactory, the Governor General in Council may issue such instructions, as appear to him to be necessary and desirable in the circumstances of the case, and the Court shall give effect to such instructions.

(Schedule I.—First Statutes of the University.)

20. (1) From the commencement of this Act, the Hindu University Society shall be dissolved, and all property, moveable and immoveable, and all rights, powers and privileges of the Hindu University Society which, immediately before the commencement of this Act, belonged to, or were vested in, the said Society, shall vest in the University, and shall be applied to the objects and purposes for which the University is incorporated.

(2) From the commencement of this Act, all debts and liabilities of the said Society shall be transferred and attached to the University, and shall thereafter be discharged and satisfied by the University.

(3) Any will, deed or other document, whether made or executed before or after the commencement of this Act, which contains any bequest, gift or trust in favour of the Central Hindu College or the said Society shall, on the commencement of this Act, be construed as if the University were therein named, instead of the said College or Society.

SCHEDULE I.

FIRST STATUTES OF THE UNIVERSITY.

[See sections 3 and 17 (2).]

1. (1) In these Statutes—

Definitions.

"The Act" means the Benares Hindu University Act, 1915.

(2) All words and expressions used herein and defined in the Act shall be deemed to have the meanings respectively attributed to them by the Act.

2. (1) The following persons shall be members of the University, namely:—

Members of the University.

- (i) The officers of the University.
- (ii) The members of the University authorities.
- (iii) The members of the teaching staff.
- (iv) The graduates.
- (v) The undergraduates.

(2) Membership of the University shall continue so long only as one at least of the qualifications above enumerated shall continue to be possessed by the individual member.

(Schedule I.—First Statutes of the University.)

Patrons
and Vice-
Patrons.

3. (1) The following persons shall be the Patrons of the University, namely :—

(i) all Heads of local administrations in British India, other than the Lieutenant-Governor of the United Provinces of Agra and Oudh;

(ii) such Indian Princes and Chiefs as the Lord Rector may, of his own motion, or on the recommendation of the Court, from time to time, appoint.

(2) The Lord Rector may, on his own motion, or on the recommendation of the Court appoint such persons, as he may think fit, to be Vice-Patrons of the University.

The
Chancellor.

4. (1) The successors to the first Chancellor shall be elected by the Court.

(2) The Chancellor shall hold office for three years.

Powers of
the
Chancellor.

5. (1) The Chancellor shall, by virtue of his office, be the head of the University.

(2) The Chancellor shall, if present, preside at the Convocation of the University for conferring degrees, and at all other meetings of the Court.

(3) The Chancellor may, on the recommendation of the Senate, appoint Rectors, being persons of eminent position or attainment.

The Pro-
Chancellor.

6. (1) The successors to the first Pro-Chancellor shall be elected by the Court from among its own members.

(2) The Pro-Chancellor shall hold office for one year.

(3) Casual vacancies in the office of the Pro-Chancellor shall be filled up by the Chancellor on the recommendation of the Council. The person so appointed shall hold office till the next annual election.

Powers of
the Pro-
Chancellor.

7. The Pro-Chancellor may, in the absence of the Chancellor or pending a vacancy in the office of Chancellor, exercise the functions of the Chancellor, except the conferring of degrees, and preside at any meetings of the Court.

The Vice-
Chancellor.

8. (1) The successors to the first Vice-Chancellor shall be elected by the Court from among its own members. Such appointment shall be subject to approval by the Visitor.

(2) The Vice-Chancellor shall hold office for three years.

(Schedule I—First Statutes of the University)

(3) Casual vacancies in the office of Vice Chancellor shall be filled up by election by the Court, subject to approval by the Visitor. Until the election of a new Vice Chancellor, the Pro-Vice Chancellor shall perform the duties of the Vice Chancellor.

9. (1) The Vice Chancellor shall take rank in the University next to the Chancellor and the Pro Chancellor, and shall be *ex officio* Chair-^{Powers of the Vice Chancellor.}man of the Council, the Senate and the Syndicate. He shall be the principal Executive and Academic Officer of the University, and shall, in the absence of the Chancellor, preside at the convocation and confer degrees.

(2) It shall be the duty of the Vice Chancellor to see that the Act, the Statutes and the Regulations are faithfully observed.

(3) The Vice Chancellor shall have power to convene meetings of the Court, the Council, the Senate and the Syndicate, and to perform all such acts as may be necessary to carry out or further the provisions of the Act, the Statutes and the Regulations.

(4) If any emergency arises which, in the opinion of the Vice Chancellor, requires that immediate action should be taken, the Vice Chancellor shall take such action as he deems necessary, and shall report the fact to the authority which in the ordinary course would have dealt with the matter.

10. (1) The Pro Vice Chancellor shall be elected by the Court. The appointment shall be subject to approval by the Visitor. ^{The Pro-Vice Chancellor}

(2) He shall hold office for such period and under such conditions as shall, from time to time, be determined by the Court.

(3) Casual vacancies in the office of the Pro Vice Chancellor shall be filled up by the Vice Chancellor with the approval of the Chancellor and the Visitor. The person so appointed shall hold office until the next meeting of the Court.

11. The Pro Vice Chancellor shall be the chief executive officer of the University. He shall be the executive officer of the University, and shall be the chief officer in the University. He shall be the chief officer in the University, and shall be the chief officer in the University. ^{The Pro-Vice Chancellor}

(Schedule I.—First Statutes of the University.)

- (g) Every Indian Prince or Chief who makes a permanent annual grant of money to the University shall, subject to the provisions of clause (j), have the same rights as to membership of, and representation on, the Court as if he had been a donor of such sum as represents the capital value ascertained at a rate of interest of $3\frac{1}{2}$ per cent. of such annual grant.
- (h) Every other grantor to the University of any annual grant of money, the payment of which is secured by mortgage of immoveable property affording sufficient security for such grant within the provisions of the *Explanation* to section 66 of the Transfer of Property Act, 1882, and effected by duly executed instrument in a form approved by the Council, shall, subject to the provisions of clause (j), have the same rights as to membership of, and representation on, the Court as if he had been a donor of a sum calculated in the manner prescribed in clause (g).
- (i) The amounts of donations specified in clauses (a), (b), (c), (f) and in Class III (b) may, for the purpose of qualifying the donors within those provisions, be made up partly of money or of capitalised grants as provided in clauses (g) and (h), or of property, or partly of any two or more of these.
- (j) When an annual grant is not fully paid up or falls in arrears, the grantor shall not be entitled to exercise any of the privileges conferred on him by any of the foregoing clauses of this Statute, unless and until the said arrears are paid up.

Class III.—Elected Members.

- (a) Ten persons to be elected by the registered graduates of the University from such date as the Court may fix.
- (b) Thirty persons to be elected by registered donors of Rs. 500 or upwards :
- Provided that, whenever the number of such donors falls below fifty, there shall be no election until the number of such donors again attains or exceeds fifty.
- (c) Ten persons to be elected by the Senate.

(Schedule I—First Statutes of the University.)

(d) Fifteen representatives of Hindu religion and Sāṃkhya learning to be elected by the Court.

(e) Ten persons to be elected by the Court to represent Jain and Sīh communities.

(f) Ten persons to be elected by the Court to represent the learned professions.

(g) Such other persons, not exceeding twenty in number, as may be elected by the Court.

(2) The foregoing provisions of this Statute shall, as far as may be, be applicable to the first Court.

Provided that, in the case of the first Court, the ten persons specified in group (e) of Class III shall be appointed by the Vice-Chancellor, with the approval of the Governor General in Council.

(3) When any electoral body, entitled to elect a member or members, fails to do so within the time prescribed by the Court, the Court may appoint any qualified person of the class from which such electoral body was entitled to elect.

(4) Save when otherwise expressly provided, members shall hold office for five years:

Provided that, as nearly as may be, one-fifth of the total number of the members of the first Court in each of the groups of Class III shall retire by ballot at the end of each year for the first four years.

(5) All casual vacancies among the appointed or elected members shall be filled, as soon as conveniently may be, by the person or body who appointed or elected the member whose place has become vacant, and the person appointed or elected to a casual vacancy shall be a member for the residue of the term for which the person, in whose place he is appointed or elected, was a member.

15. The Court shall exercise control over the Senate through the Council and not otherwise, and over the Faculties through the Council and Senate and not otherwise, and over the Council by means of Statutes and Resolutions passed at a meeting of the Court and not otherwise.

16. (1) As soon as may be after the commencement of the Act, the first Court shall assemble at such place and time, as the Chancellor may direct, in order to make the necessary appointments and elections for the purpose of the Act and Statutes.

(Schedule I.—First Statutes of the University.)

- (g) Every Indian Prince or Chief who makes a permanent annual grant of money to the University shall, subject to the provisions of clause (j), have the same rights as to membership of, and representation on, the Court as if he had been a donor of such sum as represents the capital value ascertained at a rate of interest of $3\frac{1}{2}$ per cent. of such annual grant.
- (h) Every other grantor to the University of any annual grant of money, the payment of which is secured by mortgage of immoveable property affording sufficient security for such grant within the provisions of the *Explanation* to section 66 of the Transfer of Property Act, 1882, and effected by duly executed instrument in a form approved by the Council, shall, subject to the provisions of clause (j), have the same rights as to membership of, and representation on, the Court as if he had been a donor of a sum calculated in the manner prescribed in clause (g).
- (i) The amounts of donations specified in clauses (a), (b), (c), (f) and in Class III (b) may, for the purpose of qualifying the donors within those provisions, be made up partly of money or of capitalised grants as provided in clauses (g) and (h), or of property, or partly of any two or more of these.
- (j) When an annual grant is not fully paid up or falls in arrears, the grantor shall not be entitled to exercise any of the privileges conferred on him by any of the foregoing clauses of this Statute, unless and until the said arrears are paid up.

Class III.—Elected Members.

- (a) Ten persons to be elected by the registered graduates of the University from such date as the Court may fix.
- (b) Thirty persons to be elected by registered donors of Rs. 500 or upwards :
- Provided that, whenever the number of such donors falls below fifty, there shall be no election until the number of such donors again attains or exceeds fifty.
- (c) Ten persons to be elected by the Senate.

(Schedule I—First Statutes of the University)

(d) Fifteen representatives of Hindu religion and Sanskrit learning to be elected by the Court

(e) Ten persons to be elected by the Court to represent Jain and Sikh communities

(f) Ten persons to be elected by the Court to represent the learned professions

(g) Such other persons, not exceeding twenty in number, as may be elected by the Court

(2) The foregoing provisions of this Statute shall, as far as may be, be applicable to the first Court

Provided that, in the case of the first Court, the ten persons specified in group (e) of Class III shall be appointed by the Vice Chancellor, with the approval of the Governor General in Council

(3) When any electoral body, entitled to elect a member or members, fails to do so within the time prescribed by the Court, the Court may appoint any qualified person of the class from which such electoral body was entitled to elect

(4) Save when otherwise expressly provided, members shall hold office for five years.

Provided that, as nearly as may be, one-fifth of the total number of the members of the first Court in each of the groups of Class III shall retire by ballot at the end of each year for the first four years.

(5) All casual vacancies among the appointed or elected members shall be filled, as soon as conveniently may be, by the person or body who appointed or elected the member whose place has become vacant, and the person appointed or elected to a casual vacancy shall be a member for the residue of the term for which the person, in whose place he is appointed or elected, was a member.

15 The Court shall exercise control over the Senate through the ^{Exercise of} Council and not otherwise and over the Faculties through the Council ^{control by} and Senate and not otherwise, and over the Council by means of Statutes and Resolutions passed at a meeting of the Court and not otherwise.

16 (1) As soon as may be after the commencement of the Act, the first Court shall assemble at such place and time, as the Chancellor may direct, in order to make the necessary appointments and elections for the purpose of the Act and Statutes. ^{Meetings of the Court.}

(Schedule I.—First Statutes of the University.)

(2) An annual meeting of the Court shall be held during the month of October in each year, unless some other month be fixed by Resolution at a previous annual general meeting, on such day and at such hour as shall be appointed by the Council. And at such yearly meeting, a report of the proceedings of the Council and of the University, together with a statement of the receipts and expenditure and the balance-sheet as audited, shall be presented by the Council to such meeting, and any vacancies among the officers of the University or among the members of the Court or Council which ought to be filled up by the Court shall be filled up.

(3) A copy of the statement of receipts and expenditure and of the balance-sheet referred to in clause (2) shall be sent to every member of the Court at least seven days before the date of the annual meeting, and shall be open to the inspection of all members of the Court and Senate at the office of the University during the year following such annual meeting, at such reasonable hours and under such conditions as the Council may determine.

(4) Twenty members of the Court shall form a quorum.

(5) Special general meetings of the Court may be convened by the Council at any time.

The Council. 17. (1) The Council shall consist of the following persons, namely :—

(i) The Vice-Chancellor and the Pro-Vice-Chancellor for the time being.

(ii) Not more than thirty elected members, of whom five shall be members of the Senate elected by the Senate, and the remainder members of the Court elected by the Court.

(2) Not less than five of the members to be elected by the Court shall be residents of places outside the United Provinces of Agra and Oudh.

(3) At the first election of members of the Council by the Court, it shall proceed in the first place to elect twenty members. The Court shall, as soon as the result of the election is declared, proceed to determine the province, or provinces or States, from among the residents of which the remaining five members are to be elected, and assign to each province or State the number of member or members to be elected.

(Schedule I—First Statutes of the University)

(4) At each subsequent election, as nearly as may be, four fifths of the vacancies shall be first filled up. The remaining one fifth of the vacancies shall then be filled up to secure representation of provinces and States, on the same lines *mutatis mutandis* as provided in sub-section (3)

(5) The elected members of the Council shall hold office for the term of three years

Provided that, at the first annual meeting of the Court and at the second annual meeting of the Court, as nearly as may be, one third of the first elected members shall retire by ballot

(6) All casual vacancies among elected members may be filled up by the body which elected the member whose place has become vacant.

(7) Seven members of the Council shall form a quorum

18. (1) The Council shall, subject to the control of the Court, have ^{Powers of the Council} the management and administration of the whole revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for

(2) Subject to the Act, the Statutes and any Regulations made in pursuance thereof, the Council shall, in addition to all other powers vested in it, have the following powers, namely —

(i) To appoint, from time to time, Principals of Colleges and such University Professors, Professors, Assistant Professors, Readers, Lecturers and other members of the teaching staff, as may be necessary, on the recommendation of the Board of Appointments

(ii) In the case of other appointments, to delegate, subject to the general control of the Council, the power of appointment to such authority or authorities as the Council may, from time to time, by Resolution, either generally or specially direct

(iii) To manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University and, for that purpose, to appoint such agents as it may think fit

(Schedule I.—First Statutes of the University.)

- (iv) To invest any moneys belonging to the University, including any unapplied income in such stocks, funds, shares, or securities, as it shall, from time to time, think fit, or in the purchase of immoveable property in India, with the like power of varying such investments from time to time.
- (v) To transfer or accept transfers of any moveable or immoveable property on behalf of the University.
- (vi) To provide the buildings, premises, furniture, and apparatus, and other means needed for carrying on the work of the University.
- (vii) To enter into, vary, carry out, and cancel contracts on behalf of the University.
- (viii) To entertain, adjudicate upon, and, if thought fit, redress any grievances of the officers of the University, the Professors, the Teaching Staff, the graduates, under-graduates and the University servants, who may, for any reason, feel aggrieved, otherwise than by an act of the Court :

Provided that nothing in this provision shall be deemed to confer on the Council any power to interfere in any matter of discipline in regard to graduates and under-graduates.

- (ix) To maintain a register of donors to the University.
- (x) To select a Seal for the University, and provide for the custody and use of the Seal.

The Senate. 19. (1) The Senate shall, save as hereinafter provided in this Statute, ordinarily consist of not less than fifty members, of whom not less than three-fourths shall be Hindus, and shall include the following persons, namely :—

Class I.—Ex-officio Members.

- (a) The Chancellor, the Pro-Chancellor, the Vice-Chancellor and the Pro-Vice-Chancellor for the time being.
- (b) The University Professors.
- (c) The Principals or heads of Colleges.

*(Schedule I.—First Statutes of the University.)**Class II.—Elected Members.*

- (a) Five members to be elected by the Court.
- (b) Five members to be elected by the registered graduates of the University from such date as the Court may fix.
- (c) Five representatives of Hindu religion and Sanskrit learning to be elected by the Senate.
- (d) Ten representatives to be elected by the Senate from persons engaged in the teaching work of the University or its Colleges.
- (e) Should the Vice-Chancellor declare that there is a deficiency in the number of members required in any Faculty or Faculties, then five or less persons elected by the Senate eminent in the subject or subjects of that Faculty or those Faculties.

Class III.—Nominated Members

- (a) Five members to be nominated by the Visitor
- (2) The foregoing provisions of this Statute shall, as far as may be, be applicable to the first Senate
- (3) The elected and nominated members of the Senate shall hold office for five years:

Provided that, as nearly as may be one-fifth of the total number of the members of the first Senate shown in each of the groups of Class II and of those shown in Class III shall retire by ballot at the end of each year for the first four years.

(4) All casual vacancies among elected members may be filled up by the body which elected the member whose place has become vacant.

(5) Fifteen members of the Senate shall form a quorum.

20. (1) The Senate shall be the academic body of the University ^{Powers of the Senate.} and subject to the Act, the Statutes and Regulations of the University, shall have entire charge of the organization of instruction, the courses of study and the examination and discipline of students ^{so far as} matters of discipline rest with the Pro-Vice-Chancellor and the heads of colleges and the conferment of ordinary and honorary degrees.

(Schedule I.—First Statutes of the University.)

(2) Subject to the Act and the Statutes and any Regulations made in pursuance thereof, the Senate shall, in addition to all other powers vested in it, have the following powers, namely:—

- (i) To report on any matter referred to or delegated to them by the Court or the Council.
- (ii) To discuss, and declare an opinion on, any matter whatsoever relating to the University.
- (iii) To make recommendations to the Council or to the Board of Appointments as to the removal of any Professor or Teacher of the University or of its Colleges, or as to the appointment of additional Professors or Teachers for the University or its Colleges.
- (iv) To formulate and modify or revise schemes for the organization of Faculties, and to assign to such Faculties their respective subjects and also to report to the Council as to the expediency of the abolition, combination, or sub-division of any Faculty.
- (v) To fix subject to any conditions made by the Founders which are accepted by the Court, the times and mode and conditions of competition for fellowships, scholarships, and other prizes, and to award the same.
- (vi) To promote research within the University and to require, from time to time, reports on such research.
- (vii) To maintain a register of graduates.

The
Syndicate.

21. (1) The Syndicate shall be the executive body of the Senate, and shall consist of the Vice-Chancellor, the Pro-Vice-Chancellor and fifteen persons elected by the Senate, of whom not less than ten shall be University Professors or Principals or Professors of Colleges.

(2) The elected members of the Syndicate shall hold office for three years.

Provided that, as nearly as may be, one-third of the elected members of the first Syndicate shall retire by ballot at the end of each year for the first two years.

(3) All casual vacancies among elected members may be filled up by the Senate.

(4) Five members of the Syndicate shall be a quorum.

. (Schedule I—First Statutes of the University)

22. It shall be the duty of the Syndicate, subject to the revision and control of the Senate,— Duties of the Syndicate.

- (i) to order examinations in conformity with the Regulations, and to fix dates for holding them;
- (ii) to appoint Examiners, and, if necessary, to remove them, and, subject to the approval of the Council, to fix their fees, emoluments and travelling and other allowances, and to appoint Boards of Examiners and Moderators,
- (iii) to appoint, whenever necessary, Inspectors or Boards of Inspectors for inspecting Colleges applying for admission to the privileges of the University,
- (iv) to declare the results of the various University Examinations, and to recommend for degrees, honours, diplomas, licences, titles and marks of honour,
- (v) to award stipends, scholarships, medals, prizes and other rewards, in conformity with the Regulations and the conditions prescribed for their award,
- (vi) to consider and make such reports, or recommend such action, as may be deemed necessary, on proposals or motions brought forward by the members of the Senate and Faculties, for consideration by the Senate,
- (vii) to publish lists of prescribed, or recommended, text books and to publish statements of the prescribed courses of study;
- (viii) to prepare such forms and registers as are, from time to time, prescribed by the Regulations, and generally,
- (ix) to perform all such duties and to do all such acts, as may be necessary, for the proper carrying out of the provisions of the Act, and the Statutes and Regulations or the Resolutions of the Senate

23 (1) The University shall include the Faculties of—(1) Oriental The Faculties.
learning, (2) Theology, (3) Arts (4) Science, Pure and Applied, (5) Law, and, as soon as the Visitor is satisfied that sufficient funds are available for the purpose of (6) Technology, (7) Commerce, (8) Medicine and Surgery, (9) Agriculture and other Faculties.

(2) The Senate shall annually assign its members to the different Faculties

(Schedule I.—First Statutes of the University.)

(3) The method of assignment of members to the Faculties, the meetings of the Faculties, and their power of co-opting additional members shall be provided for by Regulations :

Provided that the members assigned to the Faculty of Theology shall all be Hindus.

Powers of Faculties.

24. (1) The Faculties shall have such powers, and shall perform such duties, as may be assigned to them by the Statutes and the Regulations, and shall, from time to time, appoint such and so many Boards of Studies, in different branches of knowledge as may be prescribed by the Regulations. They shall also consider and make such recommendations to the Senate on any question pertaining to their respective sphere of work as may appear to them necessary, or on any matter referred to them by the Senate.

(2) Five members, in the case of the Faculty of Arts, and three members, in the case of the other Faculties, shall constitute a quorum.

Convocations.

25. Convocations of the University for the conferring of degrees, or for other purposes, shall be held in a manner to be prescribed by Regulations.

Committees.

26. The Court, Council, Senate, Syndicate and the Faculties may, from time to time, appoint such and so many standing and special Committees or Boards as may seem to them fit, and may, if they think fit, place on them persons who are not members of the appointing bodies. Such Committees may deal with any subject delegated to them, subject to subsequent confirmation by the appointing body.

Board of Appointments.

27. (1) The Board of Appointments shall consist of—

- (i) The Vice-Chancellor.
- (ii) The Pro-Vice-Chancellor.
- (iii) Two members to be elected by the Court.
- (iv) Two members to be elected by the Council.
- (v) Two members to be elected by the Senate.
- (vi) Two members to be elected by the Syndicate.

(2) The elected members shall hold office for the term of two years. One member from each electing body, to be determined by ballot, shall retire at the end of the first year.

(3) The Vice-Chancellor shall preside at the meetings of this Board or, in his absence, the Pro-Vice-Chancellor.

(Schedule I.—First Statutes of the University.)

(4) The meetings of the Board shall be convened by the Vice-Chancellor or Pro-Vice-Chancellor, or, when so directed by the Syndicate, by the Registrar.

(5) The Board shall consider and submit recommendations as to all appointments referred to it.

28. No Act or Resolution of the Court, the Council, the Senate, the Syndicate or the Faculties or any other authority shall be invalid by reason only of any vacancy in the body doing or passing it, or by reason of any want of qualification by, or invalidity in, the election or appointment of any *de facto* member of the body, whether present or absent Acts during vacancies

29. Where, by the Statutes or Regulations, no provision is made for a president or chairman to preside over a meeting of any University authority, Board or Committee, or when the president or chairman so provided for is absent, the members present shall elect one of their number to preside at the meeting Elected chairman to preside where no provision made by the Statute

30. Every officer of the University and every member of any University authority, whose term of office or of membership has expired, shall be eligible for re-appointment or re-election, as the case may be, Re-appointment and re-election

31. Any member of the Court, the Council, the Senate or the Syndicate or any other University authority may resign by letter addressed to the Secretary in the case of the Court, and to the Registrar in all other cases, Resignation

32. A member of the Court or the Senate may be removed from office on conviction by a Court of law of what, in the opinion of the Court or the Senate, as the case may be, is a serious offence involving moral delinquency : Removal

Provided that a Resolution for the removal of any such member is approved by not less than two-thirds of the members present at the meeting of the Court or the Senate, as the case may be, at which such a Resolution is proposed :

And provided further that such a Resolution is confirmed by a like majority at a subsequent meeting of the Court or Senate, as the case may be.

ACT No. I OF 1916.¹

[15th February, 1916.]

An Act further to amend the Indian Trusts Act, 1882.

WHEREAS it is expedient further to amend the Indian Trusts Act, ^{II} of 1882. 1882: It is hereby enacted as follows:—

Short title.

1. This Act may be called the Indian Trusts (Amendment) Act, 1916.

Amendment
of section 20
of Act II
of 1882.

2. In section 20 of the Indian Trusts Act, 1882 (hereinafter called ^{II} of 1882. the said Act), the following amendments shall be made, namely:—

(i) To clause (b), the following proviso shall be added, namely:—

“ Provided that, after the fifteenth day of February, 1916, no money shall be invested in any such annuity being a terminable annuity unless a sinking fund has been established in connection with such annuity; but nothing in this proviso shall apply to investments made before the date aforesaid.”

(ii) After clause (b), the following new clause shall be inserted, namely:—

“ (bb) in India three and a half per cent. stock, India three per cent. stock, India two and a half per cent. stock or any other capital stock which may at any time hereafter be issued by the Secretary of State for India in Council under the authority of an Act of Parliament and charged on the revenues of India.”

(iii) In clause (c) after the word “ Council ” the words “ or by the Government of India ” shall be added.

Insertion of
new section
20A in
Act II of
1882.

3. After section 20 of the said Act, the following section shall be inserted, namely:—

Power to
purchase
redeemable
stock at a
premium.

“ 20A. (1) A trustee may invest in any of the securities mentioned or referred to in section 20, notwithstanding that the same may be redeemable and that the price exceeds the redemption value :

Provided that a trustee may not purchase at a price exceeding its redemption value any security mentioned or referred to in clauses (c) and (d) of section 20 which is liable to be redeemed within fifteen years of the date of purchase at par or at some other fixed rate, or purchase

¹ For Statement of Objects and Reasons, see Gazette of India, 1915, Pt. V, p. 44, and for Proceedings in Council, see *ibid*, 1915, Pt. VI, p. 437, and *ibid*, 1916, Pt. VI, p. 3.

any such security as is mentioned or referred to in the said clauses which is liable to be redeemed at par or at some other fixed rate at a price exceeding fifteen per centum above par or such other fixed rate.

(2) A trustee may retain until redemption any redeemable stock, fund or security which may have been purchased in accordance with this section "

ACT No IV or 1916¹

[8th March, 1916]

An Act to amend the Indian Tariff Act, 1894, and for other purposes.

WHEREAS it is expedient to amend the Indian Tariff Act, 1894, and to repeal, so far as it relates to this Act, and re-enact with amendments, section 22 of the Sea Customs Act, 1878. It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Tariff (Amendment) Act, 1916

Short title
and
retrospective
effect.

(2) It shall be deemed to have come into force on the first day of March, 1916, and any sums due on account of new duties leviable thereunder or of any deficiency between the duties which have been paid and the duties which are leviable thereunder shall be deemed to be duties short levied within the meaning of section 39 of the Sea Customs Act, 1878, and that Act shall apply accordingly.

2. In this Act the Indian Tariff Act, 1894 (hereinafter referred to as the said Act), means the Indian Tariff Act, 1894, as subsequently amended

Definition.

3. For section 3 of the said Act, the following section shall be substituted, namely:—

Substitution
of a new
section 3
in Act VIII
of 1924.

" 3. (1) There shall be levied and collected in every port to which this Act applies, the duties specified in the Second and Third Schedules

¹ For the names of Officers and Clerks see Gazette of India, 1916, Pt. V, p. 27 for Report of the Joint Commission, and also 1916, Pt. V, p. 31 and for the names of the Officers and Clerks, 1916, Pt. VI, pp. 16 and 17.

(2) The Governor General in Council may, by notification in the Gazette of India, fix, for the purpose of levying the said duties, tariff values of any articles enumerated, either specifically or under general headings, in the said Schedules as chargeable with duty *ad valorem*, and may alter any tariff values for the time being in force.

(3) Different tariff values may be fixed for different classes or descriptions of the same article."

Substitution
of new
Schedules
for
Schedules
II, III, IV
and V of
Act VIII
of 1894.

4. For the 1* Third, Fourth and Fifth Schedules of the said Act, the Schedules contained in the First Schedule to this Act shall be substituted.

5. [Repeals.] Repealed by the Repealing Act, 1927 (12 of 1927).

SCHEDULE I.

SCHEDULES TO BE SUBSTITUTED IN THE INDIAN TARIFF ACT, 1894.

(See section 4.)

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3" SCHEDULE III—EXPORT TARIFF."

No.	Names of Articles.	Per.	Rate of duty.	
	JUTE, other than Bimlipatam jute—		Rs.	A.
1	RAW JUTE—			
	(1) Cuttings	Bale of 400 lbs.	0	10
	(2) All other descriptions	" " " "	2	4

1 The word "second" was repealed by s. 2 and Sch. II of the Indian Finance Act, 1921 (6 of 1921).

2 The entry under the heading "SCHEDULE II—IMPORT TARIFF" was repealed by s. 2 and Sch. II of the Indian Finance Act, 1921 (6 of 1921).

3 For the later modified form of this Schedule, see the principal Act.

No	Names of Articles	Per	Rate of duty.	
			Rs	A
2	JUTE MANUFACTURES, when not in actual use as coverings, receptacles or bindings for other goods—			
	(1) Sacking (cloth bags, twist, yarn, rope and twine)	Ton of 2,240 lbs	10	0
	(2) Hessians and all other descriptions of jute manufactures not otherwise specified	" " "	16	0
	RICE			
3	Rice, husked or unhusked including rice flour, but excluding rice bran and rice dust, which are free	Indian maund of 82½ lbs avoirdupois weight	0	3
	TEA			
4	TEA	100 lbs	1	8

[SCHEDULE II]

[Repeals] *Repealed by the Repealing Act, 1927 (12 of 1927).*

ACT No VI of 1916

[10th March, 1916]

An Act further to amend the Indian Ports Act, 1908.

WHEREAS it is expedient further to amend the Indian Ports Act, 1908; It is hereby enacted as follows—

1. This Act may be called the Indian Ports (Amendment) Act, 1916.
2. In section 1, sub-section (1) of the Indian Ports Act, 1908 (hereinafter called the said Act), the words "with the previous sanction of the Governor General in Council" shall be omitted.
3. In section 5, sub-section (1) of the said Act, the words "with the previous sanction of the Governor General in Council and" shall be omitted.

For exemption of export duty on tea sent from Travancore by land to India, Indian Ports Act, 1908, clause 10, see *Gazette of India*, 1911, Pt. II, p. 173.

1) Statement of Oil seeds and Products, see *Gazette of India*, 1911, Pt. II, p. 74, for Report of Port Committee, 1911, Pt. II, p. 1, and for *Amendment of Act XV of 1915*, Pt. VI, p. 47 and of 1916, Pt. VI, pp. 3 and 4.

Amendment
of section
36, Act XV
of 1908.

9. In section 36 of the said Act, sub-section (3) shall be omitted.

Amendment
of section
37, Act XV
of 1908.

10. In section 37, sub-section (2) (a) of the said Act, for the words " with the previous sanction " the words " subject to the control " shall be substituted.

Insertion of
new sections
68A and
68B in Act
XV of 1908.

11. After section 68 of the said Act, the following sections shall be inserted, namely :—

Authorities
exercising
jurisdiction
in ports to
co-operate
in
manœuvres
for defence
of port.

" 68A. Every authority exercising any powers or jurisdiction in, or relating to, any port to which this Act for the time being applies shall, if so required by an officer authorised by general or special order of the Governor General in Council in this behalf, co-operate in such manner, as such officer may direct, in carrying out any manœuvres in connection with any scheme or preparations for the defence of the said port in time of war, and for this purpose shall, if so required, temporarily place at the disposal of such officer the services of any of its staff and the use of any of its vessels, property, equipment or other material :

Provided, firstly, that if any vessels are placed at the disposal of such officer in accordance with this section, the Government of India shall, in respect of the period during which they are so at his disposal, bear the running expenses of such vessels, and be responsible for any damage thereto.

Explanation.—The expression " running expenses " in this proviso includes all outlay incurred in connection with the use of the vessels other than any charges for their hire, or for the wages of the officers and crews of such vessels :

Provided, secondly, that any officer making a requisition under this section shall exercise his powers in such a way as to cause as little disturbance to the ordinary business of the port as is compatible with the exigencies of the efficient carrying out of the manœuvres :

Provided, thirdly, that no suit or other legal proceeding shall lie against any authority for any default occurring by reason only of compliance with a requisition under this section.

Duties of
the said
authorities
in an
emergency.

68B. Whenever the Governor General in Council is of opinion that an emergency has arisen which renders it necessary that the duties imposed for the purposes specified in section 68A on the authorities

therein mentioned or other duties of a like nature should be imposed on such authorities continuously during the existence of the emergency he may by general or special order authorise any officer to require the said authorities to perform such duties until the Governor General in Council is of opinion that the emergency has passed and the said authority shall comply accordingly, and the provisions of the said section shall apply subject to the following modification, namely:—

The Government of India shall pay any authority on whom a requisition has been made such compensation for any loss or damage attributable to such requisition and for any services rendered or expenditure incurred in complying therewith as in default of agreement shall be decided to be just and reasonable having regard to the circumstances of the case by the arbitration of a person to be nominated in this behalf by the Governor General in Council and the decision of such person shall be final.

practise Western medical science, shall be exercisable only by the authorities specified in the Schedule, and by such other authority as the Governor General in Council may, by notification¹ in the Gazette of India, and subject to such conditions and restrictions as he thinks fit to impose, authorize in this behalf.

Prohibition
of
unauthorised
conferment
of degrees,
etc.

4. Save as provided by section 3, no person in British India shall confer, grant, or issue, or hold himself out as entitled to confer, grant, or issue any degree, diploma, licence, certificate or other document stating or implying that the holder, grantee or recipient is qualified to practise Western medical science.

Contraven-
tion of
section 4.

5. Whoever contravenes the provisions of section 4 shall be punishable with fine which may extend to one thousand rupees; and, if the person so contravening is an association, every member of such association who knowingly and wilfully authorises or permits the contravention, shall be punishable with fine which may extend to five hundred rupees.

Penalty for
falsely
assuming
or using
medical
titles.

6. Whoever voluntarily and falsely assumes, or uses any title or description or any addition to his name implying that he holds a degree, diploma, licence or certificate conferred, granted or issued by any authority referred to in section 3, or recognized by the General Council of Medical Education of the United Kingdom, or that he is qualified to practise Western medical science, shall be punishable with fine which may extend to two hundred and fifty rupees, or, if he subsequently commits, and is convicted of, an offence punishable under this section, with fine which may extend to five hundred rupees:

Provided that nothing in this section shall apply to the use by any person of any title, description, or addition which, prior to the commencement of this Act, he used in virtue of any degree, diploma, licence or certificate conferred upon, or granted or issued to him.

Cognizance
of offences.

7. No Court shall take cognizance of an offence punishable under this Act except upon complaint made by order of the Local Government, or upon complaint made, with the previous sanction of the Local Government, by a Council of Medical Registration established by any enactment for the time being in force in the province.

Jurisdiction
of
Magistrates.

8. No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

¹For notifications authorising certain institutions in the various provinces to grant certificates, diplomas, degrees, etc., see Gen. R. and O., Vol. IV, pp. 513-515.

SCHEDULE.

(See section 3.)

1. Every University established by an Act of the Governor General in Council.

2. The State Medical Faculty in Bengal.

3. The College of Physicians and Surgeons of Bombay.

4. The Board of Examiners, Medical College, Madras.

ACT No. XII of 1916.¹

[20th September, 1916.]

An Act to amend the Indian Lunacy Act, 1912.

of 1912. WHEREAS it is expedient to amend the Indian Lunacy Act, 1912; It is hereby enacted as follows:—

1. This Act may be called the Indian Lunacy (Amendment) Act, short title. 1916.

of 1912. 2. After section 11 of the Indian Lunacy Act, 1912, the following Insertion of new sect. 11A in Act IV. 1912. section shall be inserted, namely:—

" 11A. (1) When an arrangement has been made with any foreign Reception order in case of lunatics from foreign States in India. European State with respect to the reception of lunatics in asylums in British India, the Governor General in Council may, by notification in the Gazette of India, direct that reception orders may be made under this Act in the case of any lunatic or class of lunatics residing in the territories in India of such foreign European State, and shall, in such notification specify the province or provinces within which such reception orders may be made.

(2) On publication of a notification under sub-section (1), the provisions of this Act as to the making of reception orders on petition and

¹ See Statement of Objects and Reasons, *see* Gazette of India, 1915, Pt. V, p. 53, and the Proceedings in Council, *see* *ibid.*, 1915, Pt. VI, pp. 567 and 568.

practise Western medical science, shall be exercisable only by the authorities specified in the Schedule, and by such other authority as the Governor General in Council may, by notification¹ in the Gazette of India, and subject to such conditions and restrictions as he thinks fit to impose, authorize in this behalf.

Prohibition
of
unauthorised
conferment
of degrees,
etc.

4. Save as provided by section 3, no person in British India shall confer, grant, or issue, or hold himself out as entitled to confer, grant, or issue any degree, diploma, licence, certificate or other document stating or implying that the holder, grantee or recipient is qualified to practise Western medical science.

Contraven-
tion of
section 4.

5. Whoever contravenes the provisions of section 4 shall be punishable with fine which may extend to one thousand rupees; and, if the person so contravening is an association, every member of such association who knowingly and wilfully authorises or permits the contravention, shall be punishable with fine which may extend to five hundred rupees.

Penalty for
falsely
assuming
or using
medical
titles.

6. Whoever voluntarily and falsely assumes, or uses any title or description or any addition to his name implying that he holds a degree, diploma, licence or certificate conferred, granted or issued by any authority referred to in section 3, or recognized by the General Council of Medical Education of the United Kingdom, or that he is qualified to practise Western medical science, shall be punishable with fine which may extend to two hundred and fifty rupees, or, if he subsequently commits, and is convicted of, an offence punishable under this section, with fine which may extend to five hundred rupees:

Provided that nothing in this section shall apply to the use by any person of any title, description, or addition which, prior to the commencement of this Act, he used in virtue of any degree, diploma, licence or certificate conferred upon, or granted or issued to him.

Cognizance
of offences.

7. No Court shall take cognizance of an offence punishable under this Act except upon complaint made by order of the Local Government, or upon complaint made, with the previous sanction of the Local Government, by a Council of Medical Registration established by any enactment for the time being in force in the province.

Jurisdiction
of
Magistrates.

8. No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

¹For notifications authorising certain institutions in the various provinces to grant certificates, diplomas, degrees, etc., see Gen. R. and O., Vol. IV, pp. 513-515.

SCHEDULE.

(See section 3.)

1. Every University established by an Act of the Governor General in Council

2 The State Medical Faculty in Bengal

3. The College of Physicians and Surgeons of Bombay.

4 The Board of Examiners, Medical College, Madras.

ACT No XII of 1916¹

[20th September, 1916.]

An Act to amend the Indian Lunacy Act, 1912.

1912. WHEREAS it is expedient to amend the Indian Lunacy Act, 1912; It is hereby enacted as follows —

1. This Act may be called the Indian Lunacy (Amendment) Act, short title, 1916

1912. 2. After section 11 of the Indian Lunacy Act, 1912, the following section shall be inserted, namely —

“ 11A (1) When an arrangement has been made with any foreign European State with respect to the reception of lunatics in asylums in British India, the Governor General in Council may, by notification in the Gazette of India, direct that reception orders may be made under this Act in the case of any lunatic or class of lunatics residing in the territories in India of such foreign European State, and shall, in such notification specify the province or provinces within which such reception orders may be made.

Insertion
new
11A in Act
IV, 1912.

Reception
order in
case of
lunatics
from
States in
India.

(2) On publication of a notification under sub section (1), the provisions of this Act as to the making of reception orders on petition and

¹ For Statement of Objects and Reasons, see Gazette of India, 1916, Pt. V, p. 53, and for Proceedings in Council, see *ibid.*, 1915, Pt. VI, pp. 507 and 542.

for temporary detention in suitable custody shall apply in the case of such lunatics, with the following modifications, namely :—

- (a) an application for a reception order may be made by petition presented by such officer or agent of the foreign State in which the alleged lunatic ordinarily resides, as may by general or special order be approved by the Local Government in this behalf;
- (b) the functions of the Magistrate shall be performed by such officer as the Local Government may, by general or special order, appoint in this behalf, and such officer shall be deemed to be the Magistrate having jurisdiction over the alleged lunatic for all the purposes of the said provisions;
- (c) for the purposes of sections 5 and 18 (1), the expressions “ medical officer ” and “ medical practitioner ” shall include such person or class of persons as the Local Government may specify in this behalf;
- (d) the Magistrate may in his discretion extend the period prescribed by section 19 within which the alleged lunatic must have been medically examined; and
- (e) sections 6 (1), (2), (3), 11 and 34 of the Act shall not apply; and with such other modifications, restrictions, or adaptations as the Governor General in Council may, by notification in the Gazette of India, direct for the purpose of facilitating the application of the said provisions.

(3) A reception order made under this section shall be deemed to be a reception order made under section 7 or section 10, as the case may be.”

ACT No. XIII OF 1916.¹

[28th September, 1916.]

An Act to amend certain enactments.

WHEREAS it is expedient that certain formal amendments should be made in the enactments specified in the Schedule; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Amending Act, 1916.

¹ For Statement of Objects and Reasons, see Gazette of India, 1916. Pt. V, p. 58; and for Proceedings in Council, see *ibid*, 1916, Pt. VI, pp. 541 and 571.

2. The enactments specified in the Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

THE SCHEDULE

AMENDMENTS

(See section 2)

1	2	3	4
Year	No.	Short title	Amendments
1873	V	The Government Savings Banks Act, 1873.	In section 7, for the definition of "minor" the following shall be substituted namely — "Minor" means a person who is not deemed to have attained his majority under the Indian Majority Act, 1875."
1894	VIII	The Indian Tariff Act, 1894	In section 7, sub-section (1), for the words "Third Schedule" the words "Second Schedule" shall be substituted.
1895	V	The Code of Criminal Procedure, 1895	In section 4, clause (j) the word "and" where it occurs between the word "Madras" and the word "Bombay" shall be omitted, and for the words "the High Court of Judicature for the North Western Provinces," the words "Allahabad and Patna" shall be substituted. In the proviso to section 174 after the figures "1861," the words and figures "or section 107 of the Government of India Act, 1915" shall be inserted. In section 194, a clause (1), after the words and figures "1861" the words and figures "or the Government of India Act, 1915" shall be inserted, and in section 206, the words "or to be established" shall be omitted. In section 222 for the words and figures "13 of the Indian High Courts Act, 1925," the words and figures "17 of the Government of India Act, 1915" shall be substituted.

for temporary detention in suitable custody shall apply in the case of such lunatics, with the following modifications, namely :—

- (a) an application for a reception order may be made by petition presented by such officer or agent of the foreign State in which the alleged lunatic ordinarily resides, as may by general or special order be approved by the Local Government in this behalf;
- (b) the functions of the Magistrate shall be performed by such officer as the Local Government may, by general or special order, appoint in this behalf, and such officer shall be deemed to be the Magistrate having jurisdiction over the alleged lunatic for all the purposes of the said provisions;
- (c) for the purposes of sections 5 and 18 (1), the expressions “ medical officer ” and “ medical practitioner ” shall include such person or class of persons as the Local Government may specify in this behalf;
- (d) the Magistrate may in his discretion extend the period prescribed by section 19 within which the alleged lunatic must have been medically examined; and
- (e) sections 6 (1), (2), (3), 11 and 34 of the Act shall not apply; and with such other modifications, restrictions, or adaptations as the Governor General in Council may, by notification in the Gazette of India, direct for the purpose of facilitating the application of the said provisions.

(3) A reception order made under this section shall be deemed to be a reception order made under section 7 or section 10, as the case may be.”

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THE SCHEDULE

AMENDMENTS

(See section 2)

1	2	3	4
Year	No.	Short title	Amendments
1873	V	The Government Savings Banks Act, 1873	In section 3, for the definition of "minor" the following shall be substituted, namely:— "Minor" means a person who is not deemed to have attained his majority under the Indian Majority Act, 1875."
1894	VIII	The Indian Tariff Act, 1894	In section 7, sub-section (1) for the words "Third Schedule" the words "Second Schedule" shall be substituted.
1895	V	The Code of Criminal Procedure, 1895	In section 4, clause (f) the word "and" where it occurs between the word "Madras" and the word "Bombay" shall be omitted, and for the words "the High Courts of Judicature for the North Western Provinces," the words "Allahabad and Patna" shall be substituted. In the proviso to section 17, after the figures "1891," the words and figures "and section 107 of the Government of India Act, 1915" shall be inserted. In section 194, sub-section (1), after sub-section (1), after the figures "1891" the words and figures "and section 107 of the Government of India Act, 1915" shall be inserted, and in section 276, the words "or to be established" shall be omitted. In section 277, for the words and figures "101 of the Indian High Courts Act 1861," the words and figures "107 of the Government of India Act, 1915" shall be substituted.

for temporary detention in suitable custody shall apply in the case of such lunatics, with the following modifications, namely :—

- (a) an application for a reception order may be made by petition presented by such officer or agent of the foreign State in which the alleged lunatic ordinarily resides, as may by general or special order be approved by the Local Government in this behalf;
- (b) the functions of the Magistrate shall be performed by such officer as the Local Government may, by general or special order, appoint in this behalf, and such officer shall be deemed to be the Magistrate having jurisdiction over the alleged lunatic for all the purposes of the said provisions;
- (c) for the purposes of sections 5 and 18 (1), the expressions “ medical officer ” and “ medical practitioner ” shall include such person or class of persons as the Local Government may specify in this behalf;
- (d) the Magistrate may in his discretion extend the period prescribed by section 19 within which the alleged lunatic must have been medically examined; and
- (e) sections 6 (1), (2), (3), 11 and 34 of the Act shall not apply; and with such other modifications, restrictions, or adaptations as the Governor General in Council may, by notification in the Gazette of India, direct for the purpose of facilitating the application of the said provisions.

(3) A reception order made under this section shall be deemed to be a reception order made under section 7 or section 10, as the case may be.”

ACT No. XIII of 1916.¹

[28th September, 1916.]

An Act to amend certain enactments.

WHEREAS it is expedient that certain formal amendments should be made in the enactments specified in the Schedule; It is hereby enacted as follows :—

short title.

1. This Act may be called the Amending Act, 1916.

¹ For Statement of Objects and Reasons, see Gazette of India, 1916. Pt. V, p. 58; and for Proceedings in Council, see *ibid*, 1916, Pt. VI, pp. 541 and 571.

2. The enactments specified in the Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

THE SCHEDULE

AMENDMENTS

(See section 2)

1	2	3	4
Year	No	Short title	Amendments
1873	V	The Government Savings Banks Act, 1873.	In section 3, for the definition of "minor" the following shall be substituted namely — "Minor means a person who is not deemed to have attained his majority under the Indian Majority Act, 1875."
1894	VIII	The Indian Tariff Act, 1894	In section 7, subsection (1), for the words "Third Schedule" the words "Second Schedule" shall be substituted.
1895	V	The Code of Criminal Procedure, 1895	In section 4, clause (j) the word "and" where it occurs between the word "Madrass" and the word "Bombay" shall be omitted, and for the words "the High Court of Judicature for the North Western Provinces," the words "Allahabad at Lucknow" shall be substituted. In the proviso to section 174 after the figures "1861," the words and figures "or section 107 of the Government of India Act, 1915" shall be inserted. In sections 194 and 200 after the figures "1861" the words and figures "or the Government of India Act, 1915" shall be inserted, and in section 206, the words "or to be retained" shall be omitted. In section 207, for the words and figures "15 of the Indian High Courts Act 1861," the words and figures "12 of the Government of India Act, 1915" shall be substituted.

Amending.

[1916: Act XIII.]

for temporary detention in suitable custody shall apply in the case of such lunatics, with the following modifications, namely :—

- (a) an application for a reception order may be made by petition presented by such officer or agent of the foreign State in which the alleged lunatic ordinarily resides, as may by general or special order be approved by the Local Government in this behalf;
- (b) the functions of the Magistrate shall be performed by such officer as the Local Government may, by general or special order, appoint in this behalf, and such officer shall be deemed to be the Magistrate having jurisdiction over the alleged lunatic for all the purposes of the said provisions;
- (c) for the purposes of sections 5 and 18 (1), the expressions “ medical officer ” and “ medical practitioner ” shall include such person or class of persons as the Local Government may specify in this behalf;
- (d) the Magistrate may in his discretion extend the period prescribed by section 19 within which the alleged lunatic must have been medically examined; and
- (e) sections 6 (1), (2), (3), 11 and 34 of the Act shall not apply; and with such other modifications, restrictions, or adaptations as the Governor General in Council may, by notification in the Gazette of India, direct for the purpose of facilitating the application of the said provisions.

(3) A reception order made under this section shall be deemed to be a reception order made under section 7 or section 10, as the case may be.”

ACT No. XIII OF 1916.¹

[28th September, 1916.]

An Act to amend certain enactments.

WHEREAS it is expedient that certain formal amendments should be made in the enactments specified in the Schedule; It is hereby enacted as follows :—

hort title.

1. This Act may be called the Amending Act, 1916.

¹ For Statement of Objects and Reasons, see Gazette of India, 1916. Pt. V, p. 58; and for Proceedings in Council, see *ibid*, 1916, Pt. VI, pp. 541 and 571.

2. The enactments specified in the Schedule are hereby amended ^{and inserted} to the extent and in the manner mentioned in the fourth column ^{of entries} thereof.

THE SCHEDULE

AMENDMENTS

(See section 2.)

1	2	3	4
Year	No.	Short title	Amendments
1873	V	The Government Savings Banks Act, 1873	In section 3, for the definition of 'minor' the following shall be substituted namely— "Minor" means a person who is not deemed to have attained the majority under the Indian Majority Act, 1875."
1894	VIII	The Indian Tariff Act, 1894	In section 7, sub-section (1) for the words "Third Schedule" the words "Second Schedule" shall be substituted.
1898	V	The Code of Criminal Procedure, 1898	In section 4, clause (j) the word "and" where it occurs between the word "Mistress" and the word "Bornham" shall be omitted, and for the words "the High Court of Judicature for the North Western Provinces," the words "Magistrate at Patna" shall be substituted. In the proviso to section 17, after the figures "1891," the words and figures "and section 127 of the Government of India Act, 1915" shall be inserted. In section 191, a proviso—(1) after at 190, after the figures "1891" the words and figures "and section 127 of the Government of India Act, 1915" shall be inserted, and in section 200, the words "or to be retained" shall be omitted. In section 203, for the words and figures "12 of the Indian High Courts Act 1861" the words and figures "12 of the Government of India Act, 1915" shall be substituted.

(The Schedule.—Amendments.)

1	2	3	4
Year.	No.	Short title.	Amendments.
1899	II	The Indian Stamp Act, 1899.	<p>In section 2, clause (8). sub-clause (a), after the words "St. George," the words "the Presidency of Fort William in Bengal" shall be inserted, and for the word "Bengal" the words "Bihar and Orissa" shall be substituted.</p> <p>In section 57, sub-section (1), after clause (b), the following shall be inserted, namely :—</p> <p>"(bb) if it arises in the territories for the time being administered by the Lieutenant-Governor of Bihar and Orissa—to the High Court of Judicature at Patna".</p>
1908	V	The Code of Civil Procedure, 1908.	<p>In sections 111, 116, 122, 126, 129 and 130, after the figures "1861," the words and figures "or the Government of India Act, 1915," shall be inserted.</p> <p>In section 123, sub-section (1), for the words "each of the towns of Calcutta, Madras, Bombay, Allahabad, Lahore and Rangoon," the following shall be substituted, namely :—</p> <p>"the town which is the usual place of sitting of each of the High Courts and Chief Courts referred to in section 122."</p> <p>In section 126 for the words and figures "section 15 of that Act," the words and figures "the proviso to section 107 of the latter Act" shall be substituted, and for the word "sanction" wherever it occurs in the said section, the word "approval" shall be substituted.</p> <p>In section 130, for the words "of that Act," the words and figures "or section 107, respectively, of those Acts" shall be substituted.</p>
1914	VIII	The Indian Motor Vehicles Act, 1914.	<p>In section 15, for the word "thereunder," the words and figures "by the Local Government under section 11" shall be substituted.</p>

ACT No. XV of 1916.¹

[25th September, 1916.]

An Act to remove certain existing disabilities in respect of the power of disposition of property by Hindus for the benefit of persons not in existence at the date of such disposition.

WHEREAS it is expedient to remove certain existing disabilities in respect of the power of disposition of property by Hindus for the benefit of persons not in existence at the date of such disposition; It is hereby enacted as follows:—

1. (1) This Act may be called the Hindu Disposition of Property ^{Short title and extent} Act.

(2) It extends, in the first instance, to the whole of British India, except the province of Madras: Provided that the Governor General in Council may, by notification in the Gazette of India, extend this Act to the province of Madras.

2. Subject to the limitations and provisions specified in this Act, ^{Dispositions for the benefit of persons not in existence} no disposition of property by a Hindu, whether by transfer *inter vivos* or by will, shall be invalid by reason only that any person for whose benefit it may have been made was not in existence at the date of such ^{disposition} disposition.

3. The limitations and provisions referred to in section 2 shall be ^{limitations and conditions} the following, namely:—

(a) in respect of dispositions by transfer *inter vivos*, those contained in sections 13, 14 and 20 of the Transfer of Property Act, 1882, and

(b) in respect of dispositions by will, those contained in sections 100 and 101 of the Indian Succession Act, 1925.

4. Where a disposition of property fails by reason of any of the ^{failures of specific be-} limitations referred to in section 3, any disposition intended to take effect after or upon failure of such prior disposition also fails.

¹ For Statement of Objects and Reasons, see Gazette of India, 1916, Pt. V, p. 2; for Report of Select Committee, see *ibid.*, 1916, Pt. V, p. 75; and for Proceedings in Council, see *ibid.*, 1916, Pt. VI, pp. 12, 50, 52 and 53.

² See now sections 123 and 124 of the Indian Succession Act, 1925 (Act 19 of 1925).

Application
of this Act
to the
Khoja
community.

5. Where the Governor General in Council is of opinion that the Khoja community in British India or any part thereof desire that the provisions of this Act should be extended to such community, he may, by notification in the Gazette of India, declare that the provisions of this Act, with the substitution of the word " Khojas " or " Khoja ", as the case may be, for the word " Hindus " or " Hindu " wherever those words occur, shall apply to that community in such area as may be specified in the notification, and this Act shall thereupon have effect accordingly.

THE INLAND STEAM-VESSELS ACT, 1917 (1 OF 1917)

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(Chapter I.—Preliminary.)

ACT No. I OF 1917.¹

[7th February, 1917.]

An Act to consolidate the enactments relating to Inland Steam-vessels.

WHEREAS it is expedient to consolidate the enactments relating to inland steam-vessels; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Inland Steam-vessels Act, 1917.

(2) It extends, in the first instance, to the whole of British India, except the territories administered by the Governor of Fort St. George in Council; and

It shall come into force on such date as the Governor General in Council, by notification in the Gazette of India, may direct.

(3) The Governor of Fort St. George in Council may, at any time, by notification in the Fort St. George Gazette, extend this Act or any part thereof to the whole or any part of the territories under his administration; and the Act or part so extended shall come into force in such territories or part thereof on such date as may be specified in this behalf in such notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) “inland steam-vessel” means a steam-vessel which ordinarily plies on any inland water;

(2) “inland water” means any canal, river, lake or other navigable water in British India;

(3) “passenger” includes any person carried in a steam-vessel other than the master and crew and the owner, his family and servants;

¹ For Statement of Objects and Reasons, see Gazette of India, 1916, Pt. V, p. 71; and for Proceedings in Council, see *ibid*, 1916, Pt. VI, p. 541, and *ibid*, 1917, Pt. VI, p. 17.

² 1st June, 1917, see notification No. 6256-S., dated 1st June, 1917, Gen. R. and O., Vol. IV, p. 516.

³ For power to define how much of any tidal water shall be deemed to be an “inland water,” see s. 70, *infra*.

(Chapter I—Preliminary Chapter II—Survey of Inland Steam-vessels.)

(4) "prescribed" means prescribed by any rule under this Act;

(5) "steam-vessel" means every description of vessel propelled wholly or in part by the agency of steam,

(6) "survey" means the survey of a steam-vessel under this Act;

(7) "surveyor" means a surveyor appointed under this Act, and

(8) "voyage" includes the plying of a steam-vessel at or about any place

CHAPTER II.¹

SURVEY OF INLAND STEAM-VESSELS

3 (1) An inland steam vessel shall not proceed on any voyage, or be used for any service unless she has a certificate of survey in force and applicable to such voyage or service

(2) Nothing in this section shall apply to any steam-vessel proceeding on a voyage during the interval between the time at which her certificate of survey expires and the time at which it is first practicable to have the certificate renewed

34. (1) The Local Government may, by notification in the local official Gazette,—

(a) declare such places, within the territories under its administration, as it thinks fit, to be places of survey, and

(b) appoint so many persons to be surveyors at the said places as it thinks fit, for the purposes of this Act

(2) Every surveyor shall, for the purposes of any survey made by him, be deemed to be a public servant within the meaning of the Act of Indian Penal Code

¹ For power to exempt any class of vessels from the provisions of Chapter II see to read by that Chapter, see s. 67 infra

² As to total exemption of Government vessels, see s. 62 infra

³ See s. 61 infra for details

(a) *Blue-law* see Digest of Acts and Rules etc., relating to Blue-law former Digest

(b) *Blue-law* see Inland Steam-vessels Act Manual

(c) *Blue-law* see Inland Steam-vessels Act Manual

(d) *Blue-law* see Inland Steam-vessels Act Manual

Inland steam-vessel not to proceed on voyage or to be used for service without certificate of survey

Appointment of surveyors and places of survey

(Chapter II.—Survey of Inland Steam-vessels.)

**Powers of
Surveyors.**

5. (1) For the purposes of a survey, the surveyor may, at any reasonable time, go on board any inland steam-vessel, and may inspect the steam-vessel and every part thereof, including the hull, boilers, engines and other machinery, and all equipments and articles on board :

Provided that he shall not unnecessarily hinder the loading or unloading of the steam-vessel, or unnecessarily detain or delay her from proceeding on any voyage.

(2) The owner, master and officers of the steam-vessel shall afford to the surveyor all reasonable facilities for a survey, and all such information respecting the steam-vessel, and her machinery or any part thereof, and all equipments and articles on board, as he may require for the purposes of a survey.

**Fees in
respect of
surveys.**

6. Before a survey is commenced, the owner or master of the steam-vessel to be surveyed shall pay to such officer as the Local Government may, by notification¹ in the local official Gazette, appoint in this behalf—

(a) a fee calculated on the tonnage of the steam-vessel according to the rates mentioned in Schedule I, or according to any other prescribed rates; and

(b) when the survey is to be made in any place of survey other than Calcutta, Madras, Bombay or Rangoon, such additional fee in respect of the expense (if any) of the journey of the surveyor to the place as the Local Government may by such notification direct.

**Declaration
of surveyor.**

7. When the survey of a steam-vessel is completed, if the surveyor making it is satisfied that—

(a) the hull, boilers, engines and other machinery of the steam-vessel are sufficient for the voyage or service intended and in good condition, and

¹ For officers appointed at places to receive fees in—

(a) Bombay, *see* Digest of Acts and Rules, etc., relating to Bombay Survey Deptt.

(b) Burma, *see* Inland Steam-vessels Act Manual.

(c) P'engal Marine Manual.

(Chapter II—Survey of Inland Steam vessels)

(b) the equipments of the steam-vessel and the certificates of the master and engineer are such and in such condition as are required by any law for the time being in force and applicable to the steam-vessel,

the surveyor shall forthwith give to the owner or master a declaration in the prescribed form containing the particulars mentioned in clauses (a) and (b), and the following further particulars:—

- (i) the time (if less than one year) for which the hull, boilers, engines and other machinery and equipments of the steam-vessel will be sufficient;
- (ii) the limit (if any) beyond which, as regards the hull, boilers, engines and other machinery or equipments, the steam-vessel is in the surveyor's judgment not fit to ply;
- (iii) the number of passengers (if any) which the steam-vessel is, in the judgment of the surveyor, fit to carry, specifying, if necessary, the respective numbers to be carried on the deck and in the cabins, and in different parts of the deck and cabins; the number to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried or other circumstances, as the case requires; and
- (iv) any other prescribed particulars.

8. (1) The owner or master of a steam-vessel to whom a declaration is given under section 7 shall, within fourteen days after the date of the receipt thereof, send the declaration to such officer as the Local Government may, by notification in the local official Gazette, appoint in this behalf.¹

(2) If any owner or master fails to send a declaration as required by subsection (1), he shall forfeit a sum not exceeding five rupees for every day during which the sending of the declaration is delayed.

9. (1) The Local Government may, if satisfied that all the provisions of this Act have been complied with in respect of a declaration sent under section 8, cause,—

- (a) a certificate of survey, in duplicate, to be prepared, and

¹ For the Government of India, the Local Government, or the Local Officer, as the case may be.

For the Government of India, the Local Government, or the Local Officer, as the case may be.

(Chapter II.—Survey of Inland Steam-vessels.)

(b) notice thereof to be given by post or otherwise to the owner or master of the steam-vessel to which the certificate relates.

(2) On application made by the owner or master to such officer at the place of survey as the Local Government may, by notification¹ in the local official Gazette, appoint in this behalf, and on payment to such officer by the owner or master of the sum (if any) forfeited by him under section 8, sub-section (2), (the actual amount of which within the limit thereby fixed shall be determined by the Local Government), the certificate, in duplicate, so prepared shall be granted to the owner or master by the Local Government and issued to him through such officer.

(3) A certificate granted under this section shall be in the prescribed form, shall contain a statement to the effect that all the provisions of this Act with respect to the survey of the steam-vessel and the declaration of survey have been complied with, and shall set forth—

(a) the particulars concerning the steam-vessel mentioned in the declaration of survey as required by clauses (i), (ii) and (iii) of section 7, and

(b) any other prescribed particulars.

(4) The Local Government may by notification² in the local official Gazette, delegate to any person all or any of the functions assigned to the Local Government under this section :

Provided that no delegation shall be made under sub-section (2) so as to authorise the grant of a certificate of survey by the surveyor who made the declaration of survey under section 7.

Certificate of survey to be affixed in conspicuous part of steam-vessel,

10. The owner or master of every steam-vessel for which a certificate of survey has been granted, shall forthwith, on the receipt of the certificate, cause one of the duplicates thereof to be affixed and kept

¹ For Notifications appointing officers in—

(a) Bombay, *see* Digest of Acts and Rules, etc., relating to Bombay Survey Depts.
 (b) Bengal, *see* Bengal Marine Manual.
 (c) Burma, *see* Inland Steam Vessels Act Manual.
 (d) Assam, *see* Assam R. and O.

² For list of officers to whom powers have been delegated in—

(a) Bombay, *see* Digest of Acts and Rules, etc., relating to Bombay Survey Deptt.
 (b) Burma, *see* Inland Steam Vessels Act Manual.
 (c) Bengal, *see* Bengal Marine Manual.

(Chapter II.—Survey of Inland Steam vessels)

affixed so long as it remains in force and the steam-vessel is in use, on some conspicuous part of the steam-vessel where it may be easily read by all persons on board.

11. A certificate of survey shall not be in force—

Term of certificates of survey.

- (a) after the expiration of one year from the date thereof; or
- (b) after the expiration of the period (if less than one year) for which the hull, boilers, engines or other machinery, or any of the equipments of the steam-vessel to which the certificate relates have been stated in the certificate to be sufficient; or
- (c) after notice has been given by any Local Government, to the owner or master of such steam-vessel, that such Local Government has cancelled or suspended it.

12. After a certificate of survey has ceased to be in force the same shall only be renewed after a fresh survey of the steam-vessel to which the certificate relates, has been held in accordance with the provisions of this Chapter save so far as any relaxation thereof may be prescribed.

Renewal of certificates of survey.

13. A certificate of survey may be suspended or cancelled by any Local Government if it has reason to believe—

Power for Local Government to suspend or cancel certificate of survey.

- (a) that the declaration by the surveyor of the sufficiency and good condition of the hull, boilers, engines or other machinery or of any of the equipments of the steam-vessel has been fraudulently or erroneously made; or
- (b) that the certificate has otherwise been granted upon false or erroneous information; or
- (c) that since the making of the declaration the hull, boilers, engines or other machinery, or any of the equipments of the steam-vessel have sustained any material injury, or have otherwise become inefficient.

14. The Local Government may require any certificate of survey, which has expired or has been suspended or cancelled, to be delivered up to such officer as the Local Government may, by notification in the Local Official Gazette, appoint in this behalf.

Power for Local Government to require delivery of expired or suspended certificate.

15. The Local Government may, by notification in the Local Official Gazette, require the owner or master of any steam-vessel to produce the certificate of survey of such vessel to the officer appointed in this behalf.

(Chapter II.—Survey of Inland Steam-vessels.)

Report of
suspension
or cancel-
lation of
certain
certificates.

15. If the Local Government, which suspends or cancels a certificate of survey, is not the Local Government which (or whose delegate) granted the certificate, the Local Government suspending or cancelling the certificate shall report the fact of suspension or cancellation, together with the reasons therefor, to the Local Government which (or whose delegate) granted the certificate.

Power for
Local
Government
to direct
survey by
two
surveyors.

16. A survey shall ordinarily be made by one surveyor, but two surveyors may be employed if the Local Government, by order¹ in writing, so directs either generally in the case of all steam-vessels at any place of survey, or specially in the case of any particular steam-vessel or class of steam-vessels at any such place.

Power for
Local
Government
to order
a second
survey.

17. (1) If the surveyor making a survey of a steam-vessel refuses to give a declaration under section 7 with regard to the steam-vessel, or gives a declaration with which the owner or master of the steam-vessel is dissatisfied, the Local Government may on the application of the owner or master, and the payment by him of such fee, not exceeding twice the amount of the fee payable for the previous survey, as the Local Government may require, direct two other surveyors to survey the steam-vessel.

(2) The surveyors so directed shall forthwith survey the steam-vessel, and may, after the survey, either refuse to give a declaration or give such declaration as, under the circumstances, seems to them proper.

(3) Any declaration given, or any refusal to give a declaration under sub-section (2), shall be final.

Division of
duties when
two
surveyors
employed.

18. When a survey is made by two surveyors under either section 16 or section 17, each of the surveyors shall perform the prescribed portion of the duties assigned to a surveyor under this Act or the rules made thereunder.

¹ For such orders issued for—

(a) Bombay, see Digest of Acts and Rules, etc., relating to Bombay Survey Deptt.

(b) Burma, see Inland Steam Vessels Act Manual.

(Chapter II.—Survey of Inland Steam-vessels. Chapter III.—
Masters [including Serang] and Engineers [including Engine-
drivers] of Inland Steam-vessels.)

19. (1) The Local Government may 1* * * * make² rules to regulate the making of surveys. Power for Local Government to make rules as to surveys.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

- (a) the times and places at which, and the manner in which, surveys are to be made;
- (b) the duties of the surveyor making a survey and, where two surveyors are employed, the respective duties of each such surveyor;
- (c) the form in which declarations of survey and certificates of survey are to be framed, and the nature of the particulars to be stated therein under sections 7 and 9,
- (d) the rates other than those mentioned in Schedule I according to which the fees payable in respect of surveys are to be calculated in the case of all or any of the places of survey within the territories under its administration, and
- (e) the cases in, and the extent to, which a survey may be dispensed with before the grant of a new certificate

CHAPTER III.

MASTERS [INCLUDING SERANG] AND ENGINEERS [INCLUDING ENGINE-
DRIVERS] OF INLAND STEAM-VESSLS.

20. The Local Government may appoint³ examiners for the purpose of examining the qualifications of persons desirous of obtaining certificates (hereinafter called certificates of competency), to the effect that they are competent to act as masters or serangs, or as engineers or engine-drivers, as the case may be, on board inland steam-vessels. Appointment of examiners.

¹ Certain words were omitted by s. 2 and Sch. I of the Revision Act, 1920 (Act of 1920).

² For rules regulating a survey, see—
(a) Bengal, see Bengal Marine Manual;
(b) Bombay, see Dept. of Public, etc., relating to Bombay Marine Dept.
(c) Burma, see Inland Steam Vessels Act Manual;
(d) Assam, see Assam R. & I.O.

³ For persons appointed examiners in Bengal and Bombay, see the Bengal Marine Manual and see Dept. of Public, etc., relating to Bombay Marine Dept.

(Chapter II.—Survey of Inland Steam-vessels.)

Report of suspension or cancellation of certain certificates.

15. If the Local Government, which suspends or cancels a certificate of survey, is not the Local Government which (or whose delegate) granted the certificate, the Local Government suspending or cancelling the certificate shall report the fact of suspension or cancellation, together with the reasons therefor, to the Local Government which (or whose delegate) granted the certificate.

Power for Local Government to direct survey by two surveyors.

16. A survey shall ordinarily be made by one surveyor, but two surveyors may be employed if the Local Government, by order¹ in writing, so directs either generally in the case of all steam-vessels at any place of survey, or specially in the case of any particular steam-vessel or class of steam-vessels at any such place.

Power for Local Government to order a second survey.

17. (1) If the surveyor making a survey of a steam-vessel refuses to give a declaration under section 7 with regard to the steam-vessel, or gives a declaration with which the owner or master of the steam-vessel is dissatisfied, the Local Government may on the application of the owner or master, and the payment by him of such fee, not exceeding twice the amount of the fee payable for the previous survey, as the Local Government may require, direct two other surveyors to survey the steam-vessel.

(2) The surveyors so directed shall forthwith survey the steam-vessel, and may, after the survey, either refuse to give a declaration or give such declaration as, under the circumstances, seems to them proper.

(3) Any declaration given, or any refusal to give a declaration under sub-section (2), shall be final.

Division of duties when two surveyors employed.

18. When a survey is made by two surveyors under either section 16 or section 17, each of the surveyors shall perform the prescribed portion of the duties assigned to a surveyor under this Act or the rules made thereunder.

¹ For such orders issued for—

(a) Bombay, see Digest of Acts and Rules, etc., relating to Bombay Survey Deptt.

(b) Burma, see Inland Steam Vessels Act Manual.

(Chapter II.—Survey of Inland Steam-vessels. Chapter III.—Masters [including Serang] and Engineers [including Engine-drivers] of Inland Steam-vessels.)

19. (1) The Local Government may ¹ * * * make ² rules to ^{Power for} regulate the making of surveys. ^{Local Government to make rules as to surveys.}

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(a) the times and places at which, and the manner in which, surveys are to be made;

(b) the duties of the surveyor making a survey and, where two surveyors are employed, the respective duties of each such surveyor;

(c) the form in which declarations of survey and certificates of survey are to be framed, and the nature of the particulars to be stated therein under sections 7 and 9,

(d) the rates other than those mentioned in Schedule I according to which the fees payable in respect of surveys are to be calculated in the case of all or any of the places of survey within the territories under its administration and

(e) the cases in and the extent to, which a survey may be dispensed with before the grant of a new certificate.

CHAPTER III.

MASTERS [INCLUDING SERANG] AND ENGINEERS [INCLUDING ENGINE-DRIVERS] OF INLAND STEAM-VESSLS.

20. The Local Government may appoint ^{Appoint-ment of examiners.} examiners for the purpose of examining the qualifications of persons desirous of obtaining certificates (hereinafter called certificates of competency), to the effect that they are competent to act as masters or serangs, or as engineers or engine-drivers, as the case may be, on board inland steam-vessels.

¹ Certain words were omitted by s. 2 and s. 3 of the Amendment Act 1920 (No. 1 of 1920).

² For rules regulating surveys see—

(a) Local: see Local Marine Manual.

(b) Rules: see Digest of Rules, etc., relating to Revenue & Trade Dept.

(c) Rates: see Inland Steam Vessels Act Manual.

(d) Areas: see Areas II and III.

³ For persons appointed examiners in Local and District, see the Local Marine Manual and the Digest of Rules, etc., relating to Revenue & Trade Dept.

(Chapter III.—Masters [including Serangs] and Engineers [including Engine-drivers] of Inland Steam-vessels.) •

Grant of
masters',
serangs',
engineers',
and engine-
drivers'
certificates
of com-
petency.

21. (1) The Local Government or such officer as it may, by notification in the local official Gazette, appoint in this behalf, shall grant to every person who is reported by the examiners to possess the prescribed qualifications, a certificate of competency to the effect that he is competent to act as a first-class master, second-class master or serang, or as an engineer, first-class engine-driver or second-class engine-driver, as the case may be, on board an inland steam-vessel:

Provided nevertheless that, before granting a certificate of competency under this Act, the authority empowered to grant such certificate may, if it considers the report of the examiners regarding any applicant for such certificate to be defective, or has reason to believe that such report has been unduly made, require a further examination or a re-examination of the applicant.

(2) Every certificate granted under this section shall be in the prescribed form.

Grant of
masters',
serangs',
engineers',
and engine-
drivers'
certificates
of service.

22. (1) The Local Government may, in its discretion, grant without examination to any person who has served as a master or as an engineer, of an inland steam-vessel before the first day of April, 1890, a certificate (hereinafter called a certificate of service) to the effect that he is, by reason of his having so served, competent to act as a first-class master, second-class master or serang, or as an engineer, first-class engine-driver or second-class engine-driver, as the case may be, on board an inland steam-vessel.

(2) A certificate of service so granted shall have the same effect as a certificate of competency granted under this Act after examination.

Licences.

¹[22A. (1) The Local Government may also, in its discretion, grant—

(a) to a person who is in possession of a second-class master's certificate granted under section 21 or section 22, and has, by virtue of such certificate, acted as master of an inland steam-vessel having engines of forty or more nominal horsepower for a period of not less than five years, or

¹ This section was inserted by s. 2 of the Inland Steam Vessels (Amendment) Act, 1920 (6 of 1920).

(Chapter III — Masters [including Stewards] and Engineers, [including
 • Licence-drivers] of Inland Steam vessels)

(b) to a person who is in possession of a first-class engine-driver's certificate granted under section 21 or section 22, or an engine-driver's certificate granted under the Indian Steamships Act, 1894, and has, by virtue of such certificate, served as an engine-driver of an inland steam-vessel having engines of not less than seventy nominal horse-power for five years, for not less than two and a half years of which period he has been the engine-driver of such vessel within the meaning of section 26,

VII of 1891

a licence authorising such person to act as master or engineer, as the case may be, of any inland steam-vessel having engines of one hundred and seventy nominal horse power or of such less nominal horse-power [as such Government] may deem fit

(2) Any such licence shall remain in force only for such time as the person holding the same is in possession of and entitled to a master's or an engine-driver's certificate, as the case may be, of the nature referred to in sub-section (1).

Provided that the Local Government may, in its discretion, suspend, cancel or vary the conditions of any such licence.]

23. Every certificate of competency or service [and every licence] ^{Certificate} granted under this Act shall be made in duplicate, and one copy shall ^{to be made} be delivered to the person entitled to the certificate, [or licence] and the other shall be kept and recorded in the prescribed manner

24. Whenever a master or steward, or an engineer or engine-driver ^{of a} proves, to the satisfaction of the authority which granted his ^{certificate} [or licence] that he has, without fault on his part, lost or been ^{deprived} of it, a copy of the certificate [or licence] to which, according to the record kept under section 24, he appears to be entitled shall ^{be} be sent to him, and shall have the same effect as the original

¹ These words were inserted by Act I of 1917 (11 of 1917)

² These words were inserted by Act I of 1917 (11 of 1917)

³ These words were inserted by Act I of 1917

(Chapter III.—Masters [including Serangs] and Engineers [including Engine-drivers] of Inland Steam-vessels.)

Certificates to be held by master and engineer of vessel of one hundred or more horse-power.

25. An inland steam-vessel having engines of ¹[one hundred] or more nominal horse-power shall not proceed on any voyage unless she has—

(a) as her master a person possessing a first-class master's certificate granted under this Act, or a master's certificate granted under the Indian Merchant Shipping Act, 1859, or granted ¹ of 1859. under, or continued in force by, the ²Merchant Shipping Act, 1894 ³[or a master's licence granted under section 22A ^{57 & 58} and applicable to such vessel and voyage] and Vict., c. 60.

(b) as her engineer a person possessing an engineer's certificate granted under this Act, or the Indian Steamships Act, 1884, ^{VII} of 1884. or granted under or continued in force by the ²Merchant Shipping Act, 1894 ⁴[or an engine-driver's licence granted ^{57 & 58} under section 22A and applicable to such vessel and voyage.] Vict., c. 60.

Certificates to be held by master and engineer of vessel of between forty and one hundred horse-power.

26. An inland steam-vessel having engines of ⁵[forty] or more nominal horse-power, but of less than ⁶[one hundred] nominal horse-power, shall not proceed on any voyage unless she has—

(a) as her master a person possessing a second-class master's certificate granted under this Act, or any certificate referred to in clause (a) of section 25, and

(b) as her engineer a person possessing a first-class engine-driver's certificate granted under this Act, or an engine-driver's certificate granted under the Indian Steamships Act, 1884, ^{VII} of 1884. or any certificate referred to in clause (b) of section 25:

Provided that a steam-vessel shall be deemed to have complied with this section if she has as her master and engineer a person possessing both a certificate referred to in clause (a), and a certificate referred to in clause (b) of this section.

¹ These words were substituted by s. 5 of the Inland Steam-vessels (Amendment) Act, 1920 (6 of 1920).

² Coll. of Stat., Vol. II.

³ These words were inserted by s. 5 of the Inland Steam Vessels (Amendment) Act, 1920 (6 of 1920).

⁴ These words were added, *ibid.*

⁵ This word was substituted by s. 6, *ibid.*

⁶ These words were substituted by s. 6, *ibid.*

(Chapter III.—Masters [including Serang¹] and Engineers [including
• Engine-drivers] of Inland Steam-vessels.)

27. An inland steam-vessel having engines of less than 40² nominal horse-power shall not proceed on any voyage unless she has—

(a) as her master a person possessing a serang's certificate granted under this Act, or any certificate referred to in clause (a) of section 26, and

(b) as her engineer a person possessing a second-class engine driver's certificate granted under this Act, or any certificate referred to in clause (b) of section 26 :

Provided that a steam-vessel shall be deemed to have complied with this section if she has as her master and engineer a person possessing both a certificate referred to in clause (a), and a certificate referred to in clause (b) of this section.

28. Notwithstanding anything in this Chapter the Local Government may, by general or special order, direct that a person possessing—

(a) a master's certificate granted under the Indian Merchant Shipping Act, 1859 or granted under, or continued in force by, the 2Merchant Shipping Act, 1891, or

(b) an engineer's or engine-driver's certificate granted under the Indian Steamships Act, 1881, or an engineer's certificate granted under, or continued in force by, the 2Merchant Shipping Act, 1891,

shall not act as master or engineer, as the case may be, of an inland steam-vessel unless he also possesses—

(i) in case (a), such a master's or serang's certificate granted under this Act as qualifies him under this Chapter to act as master of the steam-vessel, or

(ii) in case (b), such an engineer's or engine-driver's certificate granted under this Act as qualifies him under this Chapter to act as engineer of the steam-vessel :

¹ The word was substituted by s. 7 of the Indian Steam Vessels (Amendment) Act, 1920 (No. 122).

² Sec. 4 of Act No. 11.

Certificate to be held by master and engineer of vessel of less than forty horse-power.

1. Order for Local Government to direct that a person possessing—
(a) a master's certificate granted under the Indian Merchant Shipping Act, 1859 or granted under, or continued in force by, the 2Merchant Shipping Act, 1891, or
(b) an engineer's or engine-driver's certificate granted under the Indian Steamships Act, 1881, or an engineer's certificate granted under, or continued in force by, the 2Merchant Shipping Act, 1891,

(Chapter IV.—Investigation into casualties.)

Power for
Local Gov-
ernment to
appoint
Court of
investiga-
tion.

33. (1) If a formal investigation into the facts of any case reported under section 32 appears to the Local Government to be expedient, the Local Government may—

(a) appoint a special Court and direct the Court to make the investigation at such place as the Local Government may fix in this behalf; or

(b) direct any principal Court of ordinary criminal jurisdiction or the Court of any District Magistrate to make the investigation.

(2) A special Court appointed under clause (a) of sub-section (1) shall consist of not less than two nor more than four persons, of whom one shall be a Magistrate, one shall be a person conversant with maritime affairs or with the navigation of inland steam-vessels, and the other or others (if any) shall be conversant with either maritime or mercantile affairs, or with the navigation of inland steam-vessels.

Power of
Court of
investiga-
tion to
inquire into
charges of
incompetency or
misconduct.

34. (1) Any Court making an investigation under section 33 may inquire into any charge of incompetency or misconduct arising in the course of the investigation against any master, engineer or engine-driver, or any person holding a certificate granted under Chapter III, as well as into any charge of a wrongful act or default on his part causing any wreck, abandonment, damage, casualty, or loss referred to in section 32.

(2) In every case in which any such charge arises against any master, engineer or engine-driver, or any person holding a certificate granted under Chapter III in the course of an investigation, the Court shall, before the commencement of the inquiry into the charge, cause to be furnished to him a copy of the report or of any statement of the case upon which the investigation has been directed.

Power for
Local Gov-
ernment to
direct inves-
tigation
otherwise
than under
section 33.

35. (1) If the Local Government has reason to believe that there are grounds for charging any master, engineer or engine-driver, or any person holding a certificate granted under Chapter III, with incompetency or misconduct, otherwise than in the course of an investigation under section 33, it may send a statement of the case to the principal Court of ordinary criminal jurisdiction, or the Court of the District

(Chapter IV—Investigation into casualties.)

Magistrate, at or nearest to the place at which it may be convenient for the parties and witnesses to attend, and may direct the Court to make an investigation into the charge

(2) Before commencing an investigation under sub-section (1), the Court shall cause the person charged to be furnished with a copy of the statement of the case sent by the Local Government

36 For the purpose of an investigation under this Chapter into any charge against a master, engineer or engine-driver, or any person holding a certificate granted under Chapter III the Court may summon him to appear, and shall give him full opportunity of making a defence, either in person or otherwise

37 (1) When, in the opinion of the Court making an investigation under this Chapter, the investigation involves, or appears likely to involve, any question as to the cancelling or suspension of the certificate of a master, engineer or engine-driver, or any person holding a certificate granted under Chapter III, the Court shall appoint as its assessors, for the purposes of the investigation, two persons having experience in the Merchant service or in the navigation of inland steam-vessels

(2) In every other investigation the Court may, if it thinks fit, appoint as its assessor, for the purposes of the investigation any person conversant with maritime affairs or the navigation of inland steam vessels and willing to act as assessor

(3) Every person appointed as an assessor under this section shall attend during the investigation and deliver his opinion in writing, to be recorded on the proceedings

38 For the purpose of any investigation under this Chapter, the Court making the investigation shall, so far as relates to compelling the attendance and examination of witnesses, and the production of documents and the regulation of the proceedings, have—

- (a) if the Court is a special Court—the same powers as are exercisable by the principal Court of ordinary criminal jurisdiction for the place at which the investigation is made, or
- (b) if the Court is a principal Court of ordinary criminal jurisdiction or the Court of the District Magistrate—the same powers as are exercisable respectively by either Court in the exercise of its criminal jurisdiction.

(Chapter IV.—Investigation into casualties.)

Power of
Court to
effect arrest
of witnesses
by entry and
detention
of vessels.

39. (1) If any Court making an investigation under this Chapter issues a warrant of arrest to compel the attendance of any person whose evidence is in its opinion necessary, it may, for the purpose of effecting the arrest, but subject to any general or special instruction issued by the Local Government in this behalf, authorise any officer to enter any vessel.

(2) An officer so authorised to enter any vessel may, for the purpose of enforcing the entry, call to his aid any officers of Police or Customs, or any other persons, and may seize and detain the vessel for such time as is reasonably necessary to effect the arrest; and every such officer or other person shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Act XLV
1860.

(3) No person shall be detained under this section for more than forty-eight hours.

Power of
Court to
commit for
trial and to
bind over
witnesses.

40. Whenever, in the course of an investigation under this Chapter, it appears to the Court making the investigation that any person has committed, within British India, an offence punishable under any law in force in British India, the Court making the investigation may (subject to such rules consistent with this Act as the High Court may, from time to time, make in this behalf)—

- (a) cause such person to be arrested;
- (b) commit him or hold him to bail to take his trial before the proper Court;
- (c) bind over any other person to give evidence at such trial:
and
- (d) exercise, for the purposes of this section, all the powers of a Magistrate of the first class or of a Presidency Magistrate.

Depositions
of absent
witnesses.

41. (1) Whenever, in the course of a trial referred to in section 40, the evidence of any witness is required in relation to the subject-matter, any deposition previously made by him in relation to the same subject-matter before any Court making an investigation under this Chapter

(Chapter IV -- Investigation into casualties)

shall, if authenticated by the signature of the Magistrate or presiding Judge of such Court, be admissible in evidence on proof

(a) that the witness cannot be found within the jurisdiction of the Court before which the trial is held; and

(b) that the deposition was made in the presence of the person accused, and that he had an opportunity of cross-examining the witness.

(c) A certificate signed by such Magistrate or presiding Judge that the deposition was made in the presence of the accused, and that he had an opportunity of cross-examining the witness shall, unless the contrary be proved, be sufficient evidence that it was so made and that the accused had such opportunity.

42. The Court shall, in the case of every investigation under this Chapter, transmit to the Local Government a full report of the conclusions at which it has arrived, together with the evidence recorded and the written opinion of any assessor.

43. Notwithstanding the appointment under section 47 of an assessor or assessors by a Court making an investigation under this Chapter, the exercise of all powers conferred on such Courts by this Act shall rest with the Court alone.

44. (1) Whenever an explosion occurs on board any inland steam-vessel, the Local Government may direct that an investigation into the cause of the explosion be made by such person or persons as it may appoint in this behalf.

(2) The person or persons so appointed may, for the purpose of the investigation, enter into and upon the steam-vessel with all necessary workmen and labour, and take possession of the steam-vessel or of the machinery thereof, and shall report to the Local Government what, in his or their opinion, is the cause of the explosion.

(3) Every person who is appointed by the Local Government to investigate an explosion shall be deemed to be a public servant within the meaning of the Indian Penal Code.

(Chapter V.—Suspension and Cancellation of Certificates granted under the Act.)

CHAPTER V.

SUSPENSION AND CANCELLATION OF CERTIFICATES GRANTED UNDER THE ACT.

Power for Local Government to suspend or cancel certificates in certain cases.

45. Any certificate granted under Chapter III may be suspended or cancelled by the Local Government by which, or under authority from which, it was granted, or by any other Local Government in the following cases, namely :—

- (a) if, on any investigation made under this Act, the Court reports that the wreck or abandonment of, or loss or damage to, any vessel, or loss of life, has been caused by the wrongful act or default of the holder of such certificate, or that the holder of such certificate is incompetent, or has been guilty of any gross act of drunkenness, tyranny or other misconduct; or
- (b) if the holder of such certificate is proved to have been convicted of any non-bailable offence; or
- (c) if, in the case of a person holding a certificate of competency or service as second-class master or serang, or as engine-driver, such person is or has become, in the opinion of the Local Government, unfit to act as a second-class master or serang, or as an engine-driver, as the case may be :

Provided that a certificate shall not be suspended or cancelled under clause (a), unless the Local Government is satisfied that the holder of the certificate has, before the commencement of the investigation, been furnished with a copy of the report or statement of the case as required by section 34 or section 35, as the case may be.

Obligation to deliver up suspended or cancelled certificate.

46. Every person whose certificate is suspended or cancelled under this Chapter shall deliver it up to such person as the Local Government which suspended or cancelled it may direct.¹

¹ For such direction in—

Bombay, *see* Digest of Acts, Rules, etc., relating to Bombay Survey Deptt.
Bengal, *see* Bengal Marine Manual.
Burma, *see* Inland Steam Vessels Act Manual.

(Chapter V.—Suspension and Cancellation of Certificates granted under the Act.)

(Chapter VI.—Protection of, and carriage of passengers in, Inland Steam-vessels.)

47. If the Local Government which suspends or cancels a certificate under this Chapter is not the Local Government by which, or under authority from which, such certificate was granted, the Local Government so suspending or cancelling the certificate shall report the proceedings and the fact of suspension or cancellation to the Local Government by which, or under authority from which, such certificate was granted.

48. (1) Any Local Government may, at any time, revoke any order of suspension or cancellation which it may have made under this Chapter, or grant, without examination, to any person whose certificate it has so cancelled a new certificate.

(2) A certificate so granted shall have the same effect as a certificate of competency granted under this Act after examination.

Report to
other Local
Government.

Power for
Local Gov-
ernment to
revoke sus-
pension or
cancellation,
and to grant
new certifi-
cate.

CHAPTER VI.

PROTECTION OF, AND CARRIAGE OF PASSENGERS IN, INLAND STEAM- VESSELS.

49. The Governor General in Council may, by notification in the Gazette of India, declare what shall, for the purposes of this Act, be deemed to be dangerous goods.

50. (1) No person shall—

(a) take with him on board an inland steam-vessel any dangerous goods without giving notice of their nature to the owner or master of the steam-vessel; or

(b) deliver or tender for carriage on such steam-vessel any dangerous goods without giving such notice, and without distinctly marking the nature on the outside of the package containing the goods.

(2) If the owner or master of an inland steam-vessel suspects, or has reason to believe, that any luggage or parcel taken, delivered, or

Power for
Governor
General in
Council to
declare
dangerous
goods.
Carriage of
dangerous
goods.

1 For notification declaring certain articles to be dangerous goods, see Gen. R. and O., Vol. IV, p. 224.

(Chapter VI.—Protection of, and carriage of passengers in, Inland Steam-vessels.)

tendered for carriage on the steam-vessel contains dangerous goods, he may—

- (i) refuse to carry it upon the steam-vessel; or
- (ii) require it to be opened to ascertain the nature of its contents; or
- (iii) if it has been received for carriage, stop its transit until he is satisfied as to the nature of its contents.

Power of owner or master of steam-vessel to throw overboard dangerous goods.

51. Where any dangerous goods have been taken or delivered on board any inland steam-vessel in contravention of section 50, the owner or master of the steam-vessel may, if he thinks fit, cause the goods to be thrown overboard, together with any package or receptacle in which they are contained, and neither the owner nor the master shall, in respect of his having so caused the goods to be thrown overboard, be subject to any liability, civil or criminal, in any Court.

Power for Local Government to make rules for protection of inland steam-vessels from accidents.

52. (1) The Local Government may make rules¹ for the protection of inland steam-vessels against explosion, fire, collision and other accidents.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) prescribe the conditions on, and subject to, which dangerous goods may be carried on board inland steam-vessel;
- (b) prescribe precautions to be taken to prevent explosions or fires on board inland steam-vessels;
- (c) prescribe the apparatus which is to be kept on board inland steam-vessels, for the purpose of extinguishing fires;
- (d) regulate the making of sound signals;
- (e) regulate the carriage and exhibition of lights by inland steam-vessels;
- (f) regulate the carriage and exhibition of lights by other vessels on specified inland waters on which steam-vessels ply;
- (g) prescribe the steering rules to be observed;

¹ For such rules in—

Bengal, see Bengal Marine Manual.

Bombay, see Digest of Acts, Rules, etc., relating to Bombay Survey Deptt.

Burma, see Inland Steam Vessels Act Manual.

Assam, see Assam R. and O.

(Chapter VI.—Protection of, and carriage of passengers in, Inland Steam-vessels.)

(h) regulate the towing of vessels astern or alongside;

(i) prescribe the speed at which inland steam-vessels may be navigated in specified areas; and

(j) regulate the navigation of inland steam-vessels to prevent danger to other vessels, or to the banks, channels, navigation marks or any property, moveable or immovable, in or abutting on navigable channels.

(3) Any rule made under this section may contain a provision that any person committing a breach of it shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

53 (1) The Local Government may make rules to regulate the carriage of passengers in inland steam-vessels

Power for
Local Gov-
ernment to
make rules
as to
carriage of
passengers
in inland
steam vessels.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) prescribe the cases in which passengers may be refused admission to, or may be required to leave, inland steam-vessels;

(b) provide for the payment of fares and the exhibition of tickets or receipts (if any) showing the payment of their fares, by passengers in inland steam-vessels; and

(c) regulate generally the conduct of passengers in inland steam-vessels.

(3) Any rule made under this section may contain a provision that any person committing a breach of it shall be punishable with fine which may extend to twenty rupees.

(4) The master or any other officer of an inland steam-vessel, and any person called by him to his assistance, may arrest any person who has committed a breach of any rule made under this section if the name and address of such person are unknown to the master or other officer.

1 For Rules for carriage and protection of passengers in inland steam-vessels.

Penalty, see Bengal Marine Manual.

Penalty, see Bengal Marine Manual, sec. 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Penalty, see Bengal Marine Manual.

(Chapter VI.—Protection of, and carriage of passengers in, Inland Steam-vessels.)

(Chapter VII.—Penalties and Legal Proceedings.)

(5) The procedure prescribed by section 59 of the Code of Criminal Procedure, 1898, in the case of arrest by private persons shall apply to every arrest made under this section. Act V of 1898.

Power for Local Government to make rules for protection of passengers.

54. (1) The Local Government may also make rules¹ for the protection of passengers in inland steam-vessels, and may by such rules require—

(a) the prices of passenger tickets to be printed or otherwise denoted on such tickets; and

(b) the supply, free of charge, of a sufficient quantity of fresh water for the use of such passengers.

(2) Any rule made under this section may contain a provision that any person committing a breach of it shall be punishable with fine which may extend to fifty rupees.

CHAPTER VII.

PENALTIES AND LEGAL PROCEEDINGS.

Penalty for making voyage without certificate of survey.

55. (1) If any inland steam-vessel proceeds on a voyage in contravention of section 3, the owner and the master of the steam-vessel shall each be punishable with fine, which may extend to one thousand rupees.

(2) If the master or any other officer on board an inland steam-vessel which proceeds on voyage in contravention of section 3 is a licensed pilot he shall be liable to have his licence as a pilot suspended or cancelled, for any period, by the Local Government.

56. If the certificate of survey is not kept affixed in an inland steam-vessel as required by section 10, the owner and the master of the steam-vessel shall each be punishable with fine which may extend to one hundred rupees.

57. If the owner or master of an inland steam-vessel, without reasonable cause, neglects or refuses to deliver up a certificate of survey when required under section 14 so to do, he shall be punishable with fine which may extend to one hundred rupees.

Penalty for neglect to affix certificate of survey in inland steam-vessel.

Penalty for neglect or refusal to deliver up certificate of survey.

¹ See footnote to s. 53 *supra*.

VI

ACT No. XIII of 1930.

[PASSED BY THE INDIAN LEGISLATURE]

(Received the assent of the Governor General on the 24th March, 1930)

An Act further to amend the Inland Steam-vessels Act, 1917, for certain purposes.

1917 WHEREAS it is expedient further to amend the Inland Steam-vessels Act, 1917, for the purposes hereinafter appearing, It is hereby enacted as follows:—

1. (1) This Act may be called the Inland Steam-vessels (Amendment) Act, 1930.

1917 (2) It shall come into force on the first day of January, 1931, except clause (b) of sub-section (1) of section 51A of the Inland Steam-vessels Act, 1917, as hereby enacted, which shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

1917 2. In Chapter VI of the Inland Steam-vessels Act, 1917, after section 51 the following sections shall be inserted, namely:—

“51A (1) The Governor General in Council may, by notification in the Gazette of India after such inquiry as he may consider necessary, in respect of any system of inland waterways, or of any stretch of inland waterway, or of the run between any two stations on an inland waterway,—

(a) fix the maximum or minimum rate per mile which may be charged for passenger fares for passengers of any class travelling on inland steam vessels,

(b) fix the maximum rate per mile which may be charged for freight on goods of any description carried on inland steam vessels,

(c) fix the minimum rate per mile which may be charged for freight on goods of any description carried on inland steam vessels, and

(2) The Governor

(Chapter VI.—Protection of, and carriage of passengers in, Inland Steam-vessels.)

(Chapter VII.—Penalties and Legal Proceedings.)

(5) The procedure prescribed by section 59 of the Code of Criminal Procedure, 1898, in the case of arrest by private persons shall apply to every arrest made under this section. Act V
1898.

Power for
Local Gov-
ernment to
make rules
for protec-
tion of
passengers.

54. (1) The Local Government may also make rules¹ for the protection of passengers in inland steam-vessels, and may by such rules require—

(a) the prices of passenger tickets to be printed or otherwise denoted on such tickets; and

(b) the supply, free of charge, of a sufficient quantity of fresh water for the use of such passengers.

(2) Any rule made under this section may contain a provision that any person committing a breach of it shall be punishable with fine which may extend to fifty rupees.

CHAPTER VII.

PENALTIES AND LEGAL PROCEEDINGS.

Penalty for
making
voyage
without
certificate
of survey.

55. (1) If any inland steam-vessel proceeds on a voyage in contravention of section 3, the owner and the master of the steam-vessel shall each be punishable with fine, which may extend to one thousand rupees.

(2) If the master or any other officer on board an inland steam-vessel which proceeds on voyage in contravention of section 3 is a licensed pilot he shall be liable to have his licence as a pilot suspended or cancelled, for any period, by the Local Government.

Penalty for
neglect to
affix certi-
cate of
survey in
inland
steam-vessel.

56. If the certificate of survey is not kept affixed in an inland steam-vessel as required by section 10, the owner and the master of the steam-vessel shall each be punishable with fine which may extend to one hundred rupees.

Penalty for
neglect or
refusal to
deliver up
certificate of
survey.

57. If the owner or master of an inland steam-vessel, without reasonable cause, neglects or refuses to deliver up a certificate of survey when required under section 14 so to do, he shall be punishable with fine which may extend to one hundred rupees.

¹ See footnote to s. 53 *supra*.

ACT No. XIII of 1930.

[PASSED BY THE ISLAND LEGISLATURE.]

(Received the assent of the Governor General on the 22nd
March, 1930.)

An Act further to amend the Inland Steam-vessels Act, 1915,
for certain purposes.

WHEREAS it is expedient further to amend the Inland
Steam-vessels Act, 1915, for the purposes hereinafter
appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Inland Steam-vessels Amendment
(Amendment) Act, 1930.

(2) It shall come into force on the first day of January,
1931, except clause (1) of sub-section 1 of section 14 of the
Inland Steam-vessels Act, 1915, which shall come into force on such date as the Governor General in
Council may, by notification in the Gazette of India, appoint.

2. In Chapter VI of the Inland Steam-vessels Act, 1915, after section 14 the following sections shall be inserted,
namely:—

"54A. (1) The Governor General in Council may, after giving notice of the proposed amendment to the Council of India, and after consulting the Council of India, may consider necessary, in regard to any section of inland waterways, or of any stretch of inland waterways, or of the line of communication run between any two stations on an inland waterway:—

(a) fix the maximum or minimum rate per mile which may be charged for passengers from the passengers of any class travelling on inland steam-vessels;

(b) fix the maximum rate per mile which may be charged for freight on goods of any description carried in inland steam-vessels;

(c) fix the minimum rate per mile which may be charged for freight on goods of any description carried in inland steam-vessels: and

(Chapter VII.—Penalties and Legal Proceedings.)

Penalty for misconduct or neglect endangering inland steam vessel or life or limb.

63. If any person employed or engaged in any capacity on board an inland steam-vessel, by wilful breach or by neglect of duty, or by reason of drunkenness—

(a) does any act tending immediately to wreck, destroy or materially damage the vessel, or to endanger the life or limb of any person on board, or belonging to the vessel; or

(b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the vessel from immediate wreck, destruction or material damage, or for preserving any such person from immediate danger to life or limb;

he shall be punishable with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to two years, or with both.

Levy of fine by distress of inland steam-vessel.

64. Where the owner or master of an inland steam-vessel is convicted of an offence under this Act or any rule made thereunder committed on board, or in relation to, that steam-vessel, and is sentenced to pay a fine, the Magistrate who passes the sentence may direct the amount of the fine to be levied by distress and sale of the steam-vessel and the tackle, apparel and furniture thereof, or so much thereof as is necessary.

Jurisdiction of Magistrates.

65. Except in the case of an offence against any rule made under section 53, no Magistrate shall try an offence under this Act, or any rule made thereunder, unless he is a Presidency Magistrate or Magistrate whose powers are not less than those of a Magistrate of the first class.

Place of trial.

66. If any person commits an offence against this Act or any rule made thereunder, he shall be triable for the offence in any place in which he may be found or which the Local Government, by notification¹ in the local official Gazette, appoints in this behalf, or in any other place in which he might be tried under any other enactment for the time being in force.

¹ For notification appointing place of trial in Bengal, see Ben. R. and O., in Burma, see Inland Steam Vessels Act Manual.

(Chapter VIII.—Supplemental.)

CHAPTER VIII.

SUPPLEMENTAL.

67. (1) The Local Government may make rules to carry out the purposes of this Act not otherwise specially provided for.

Power for
Local Govern-
ment to make
general
rules

(2) Any rule made under this section may contain a provision that any person committing a breach of it shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

68. The Local Government may, with the previous sanction of the Governor General in Council, by notification¹ in the local official Gazette, declare that all or any of the provisions of Chapters II and III shall not apply in the case of any specified class of steam-vessels, or shall apply to them with such modifications as may be specified in the notification.

Power for
Local Govern-
ment to modify
application of
Act to certain
inland steam-
vessels.

69. Save in so far as the Governor General in Council may, by notification in the Gazette of India otherwise direct, nothing in this Act, or any rule made thereunder, shall apply to any inland steam-vessel belonging to, or in the service of, His Majesty or the Government of India.

Exemption
of His
Majesty's
and Gov-
ernment
vessels.

70. The Local Government may, by notification in the local official Gazette, define how much of any tidal water² shall be deemed to be an inland water for the purposes of this Act.

Power for
Local Govern-
ment to define
tidal water.

71. All fees payable under this Act may be recovered as fines under this Act.

Fees re-
coverable as
fines.

72. (1) Subject to the provisions of section 31, every master of an inland steam-vessel who possesses a master's certificate granted under this Act and in force shall, in ports to which section 31 of the Indian Ports Act, 1908, has been extended, be deemed, for the purposes of that section, to be the pilot of the steam-vessel of which he is in charge.

Certified
masters of
inland
steam-
vessels to be
deemed
pilots under
section 31
of Act XV
of 1908.

(2) Nothing in this section shall be deemed to affect the provisions of Bombay Act I of 1863 (*An Act for the registry of vessels and levy of pilotage fees on the river Indus*), which require persons in charge of

¹ For such notifications, see Bengal Marine Manual, Digest of Acts, Rules, etc., relating to Bombay Survey Deptt., Portia Inland Steam Vessels Act Manual, Annex B and C.

² For such notification, see Gen. R. and O., Vol. IV, p. 314.

³ For regulations defining tidal water, see Bengal Marine Manual, Digest of Acts, Rules, etc., relating to Bombay Survey Deptt. and Port Inland Steam Vessels Act Manual.

(Chapter VIII.—Supplemental.)

vessels passing through any of the channels or tidal channels at the mouths of the river Indus to pay fees for pilotage.

Application
of Act to
vessels pro-
pelled by
electricity
or other
mechanical
power.

73. The provisions of this Act shall also apply to all vessels which ordinarily ply on inland waters and are propelled by electricity or other mechanical power (except steam):

Provided that the Governor General in Council may, by notification in the Gazette of India, declare that any provision of this Act shall in its application under this section to such vessels, be subject to such modifications, for the purpose of adaptation, as may be specified in the notification.

Publication
of rules.

74. (1) The power to make rules conferred on a Local Government by this Act is subject to the condition of the rules being made after previous publication.

(2) All such rules shall, when made, be published in the local official Gazette, and shall thereupon have effect as if enacted in this Act.

75. [Repeals and savings.] Repealed by the Repealing Act, 1927 (12 of 1927).

SCHEDULE I.

RATES OF FEES.

[See sections 6(a) and 19(d).]

		Tons.	Rs.
For steam-vessels of less than	.	100	25
"	100 tons and up to	200	40
"	200 " " "	350	50
"	350 " " "	700	60
"	700 " " "	1,000	80
"	1,000 " " "	1,500	100
"	1,500 " and upwards.	..	120

[SCHEDULE II.]

[Enactments repealed.] Repealed by the Repealing Act, 1927 (12 of 1927).

ACT No. II of 1917.¹

[16th February, 1917.]

An Act to provide for the imposition and levy of certain duties on motor spirit.

WHEREAS it is expedient to impose an excise duty and to increase the existing customs duty on motor spirit, It is hereby enacted as follows:—

1 (1) This Act may be called the Motor Spirit (Duties) Act, 1917.

Short title, extent and duration.

(2) It extends to the whole of British India.²

3(3)

2 "Manufactory" means any place where motor spirit is refined or otherwise prepared. Definitions.

"Motor spirit" means any inflammable hydro-carbon (including any mixture of hydro-carbons or any liquid containing hydro-carbon) which is capable of being used for producing reasonably efficient motive power for any form of motor vehicle.

3 (1) There shall be levied and collected at every manufactory in British India on all motor spirit produced in such manufactory, a duty at the rate of 4[four annas] on each imperial gallon.

Imposition of excise duty on motor spirit manufactured in British India.

Explanation—Motor spirit is said to be produced, within the meaning of this section, when it is issued, out of the premises of the manufactory.

(2) If any duty payable under sub-section (1) is not paid within the time fixed by a notice issued in accordance with any rules made under this Act, the authority to which such duty is payable may, in lieu thereof recover any sum not exceeding double the amount of the duty so unpaid, which such authority may in its discretion think it reasonable to require.

¹ See Proceedings in Council: *The Gazette of India*, 1917, Pt. VI, p. 131.

² The provisions of this Act (except a (1) are applicable for the purpose of the levy and collection of an excise duty on motor spirit under section 2 of the Indian Income Tax Act, 1917 (12 of 1917).

³ The words "and" was omitted by s. 2 of the Motor Spirit (Duties) Amendment Act, 1917 (15 of 1917).

⁴ The draft clause in which it was provided that the Act shall remain in force during the year and 12 months thereafter was repealed, and

⁵ These words were substituted by s. 2 of the Motor Spirit (Duties) Amendment Act, 1917 (12 of 1917).

(3) All sums recoverable under sub-section (1) shall be recovered in the manner prescribed in the ¹Indian Income-tax Act, 1886, section II of 1886 30, sub-sections (1), (2) and (3) with respect to the sums therein referred to.

Issue of
motor spirit
after com-
mencement
of Act.

4. (1) After the commencement of this Act, no person shall issue any motor spirit out of the premises of any manufactory, except in accordance with the provisions of rules made under this Act in that behalf, or, until such rules are made, in accordance with the general or special orders of the Local Government.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to rupees one thousand, or to a sum double the amount of the duty payable on any motor spirit so issued, whichever is greater.

Application
of Sea Cus-
toms Act
and rule-
making
power.

5. (1) The Governor General in Council may, by ²notification in the Gazette of India, declare that any of the provisions of the Sea Customs Act, 1878, relating to the levy of, and exemption from, custom duties, drawback of duty, warehousing, offences and penalties, confiscation, and the procedure relating to offences and appeals shall, with such modifications and alterations as he may consider necessary or desirable to adapt them to the circumstances, be applicable in regard to like matters in respect of the duty on motor spirit imposed by section 3, and may further, for the purpose of providing for the assessment and collection of the said duty and for purposes ancillary thereto, make rules—

VIII of
1878.

(i) imposing on owners of manufactories the duty of furnishing return and keeping records and books, prescribing the forms of such returns, records and books and the particulars to be contained therein respectively, and the manner in which the same are to be verified and all such other conditions thereof as may be necessary;

(ii) providing for the regulation of the issue of motor spirit out of manufactories, the assessment of the duty, and the issue of notices requiring payment and for the recovery of unpaid duty;

¹ See now the Indian Income-tax Act, 1922 (11 of 1922), s. 46.

² For such notification and rules, see Gen. R. & O., Vol. IV, p. 518.

(iii) providing for the inspection of manufactories and for the taking of samples, and for the making of test of any substance produced therein;

(iv) generally carrying into effect the purposes hereinbefore specified.

(2) In making any rule under the rule-making power hereinbefore conferred, the Governor General in Council may declare that any breach thereof shall be punishable with fine which may extend to rupees five hundred.

6. [Imposition of additional duty on motor spirit imported into British India.] Repealed by s. 6 of the Indian Finance Act, 1925 (13 of 1925).

ACT No. V of 1917¹

[28th February, 1917.]

An Act to consolidate and amend the law providing for the destruction or other disposal of certain documents in the possession or custody of Courts and Revenue and other public officers.

WHEREAS it is expedient to consolidate and amend the law providing for the destruction or other disposal of certain documents in the possession or custody of Courts and Revenue and other public officers; It is hereby enacted as follows:—

1. This Act may be called the Destruction of Records Act, 1917. Short title.

2. In this Act—

Definitions.

(1) "The Chief Controlling Revenue-authority" means—

(a) in the Presidencies of Fort William in Bengal and Port St. George and in the United Provinces and Bihar and Orissa,—the Board of Revenue;

(b) in the Presidency of Bombay outside Sind and the Limits of the town of Bombay,—a Commissioner;

(c) in Sind,—the Commissioner;

¹ The Statement of Objects and Reasons for passage of this Act, 1917, is Vol. V, p. 21 and the Proceedings in Council are cited, 1917, Pt. VI, pp. 17 and 27.

² Secs. 2 and 3 have been amended by the amendments made by the United Provinces Board of Revenue Act, 1927 (12 of 1927) s. 2 and 3.

(d) in the Punjab and Burma,—the Financial Commissioner; and

(e) elsewhere, the Local Government or such officer as the Local Government may, by notification in the local Official Gazette, appoint in this behalf.

(2) "High Court" means the highest Civil Court of appeal in any local area.

Power to
certain au-
thorities to
make rules
for disposal
of docu-
ments.

13. (1) The authorities hereinafter specified may, from time to time, make rules for the disposal, by destruction or otherwise, of such documents as are, in the opinion of the authority making the rules, not of sufficient public value to justify their preservation.

(2) The authorities shall be—

(a) in the case of documents in the possession or custody of a High Court or of the Courts of Civil or Criminal jurisdiction subordinate thereto,—the High Court;

(b) in the case of documents in the possession or custody of Revenue Courts and officers,—the Chief Controlling authority; and

(c) in the case of documents in the possession or custody of any other public officer,—the Local Government or any officer specially authorised in that behalf by the Local Government.

(3) Rules made under this section by the High Court of Judicature at Fort William in Bengal shall be subject to the previous approval of the Governor General in Council, and rules made by any other High Court, or by a Chief Controlling Revenue authority or by an officer specially authorised in that behalf by a Local Government, shall be subject to the previous approval of the Local Government.

Validation
of former
rules for
disposal of
documents.

4. All rules and orders directing or authorising the destruction or other disposal of documents in the possession or custody of any public officer, heretofore made by a Local Government, or with the approval of the Local Government by any authority not empowered to make such rules under the Destruction of Records Act, 1879, shall be deemed to have had the force of law from the date on which they were made, and all such rules and orders now in force shall continue to have the force of law until they are superseded by rules made under this Act.

¹ Sections 2 and 3 have been amended in their application to U. P. by the United Provinces Board of Revenue Act, 1922 (12 of 1922), s. 2 and Sch.

5. Nothing in this Act shall be deemed to authorize the destruction ^{Erasing of} of any document which, under the provisions of any law for the time ^{Article 2} being in force, is to be kept and maintained. documents.

6. [Repeals.] Repealed by the Repealing Act, 1927 (12 of 1927).

[THE SCHEDULE.]

[Repeal of enactments.] Repealed by the Repealing Act, 1927 (12 of 1927).

ACT No. VI OF 1917.¹

[7th March, 1917.]

An Act further to amend the Indian Tariff Act, 1894.

WHEREAS it is expedient further to amend the Indian Tariff Act, 1894; It is hereby enacted as follows:—

1. (1). This Act may be called the Indian Tariff (Amendment) Act, 1917. Short title and retrospective effect.

(2) It shall be deemed to have come into force on the first day of March 1917, and any sums due on account of new duties leviable thereunder, or of any deficiency between the duties which have been paid and the duties which are leviable thereunder, shall be deemed to be duties short levied within the meaning of section 20 of the Sea Customs Act, 1878, and that Act shall apply accordingly.

2. [Amendment of Schedule II of Act VIII of 1894.] Repealed by Act 6 of 1921.

3. In Schedule III of the said Act—

(a) For item 1 the following shall be substituted, namely:

Amendment to include III of Act VIII of 1914

No.	Raw Jute—	Rate of duty.	Rate.
(1)	Cuttings	Rate of 4 mls.	1 4 0
(2)	All other descriptions	" " "	4 5 0

¹ For text of Act, see and Enactments, the Gazette of India, 1917, Pt. V, p. 42; and the Proceedings in Council, the said, 1917, Pt. VI, pp. 559 and 567.

(ii) For item 2 the following shall be substituted, namely :—

“ 2	JUTE MANUFACTURES, when not in actual use as coverings, receptacles or bindings for other goods.		Rs. A. P.
(1)	Sacking (cloth, bags, twist yarn, rope and twine).	Ton of 2,240 lbs.	20 0 0
(2)	Hessians and all other descriptions of jute manufactures not otherwise specified.	„ „	32 0 0”

ACT No. X OF 1917.¹

[21st March, 1917.]

An Act further to amend the Indian Army Act, 1911.

WHEREAS it is expedient further to amend the Indian Army Act, 1911; It is hereby enacted as follows :—

Short title. 1. This Act may be called the Indian Army (Amendment) Act, 1917.

Amendment of section 52 of Act VIII of 1911. 2. In section 52 of the Indian Army Act, 1911, (hereinafter referred to as “ the said Act ”), after the words “ in such manner ”, the words “ and to such extent ” shall be inserted.

Insertion of new section 52A in Act VIII of 1911. 3. After section 52 of the said Act, the following section shall be inserted, namely :—

Provision for dependants of prisoners of war. “52A. (1) In the case of all persons subject to this Act, being prisoners of war, whose pay and allowances have been forfeited under section 50, but in respect of whom a remission has been made under section 52, it shall be lawful, notwithstanding any provision in any enactment or any rule of law to the contrary, for proper provision to be made by the prescribed authorities out of such pay and allowances for any dependants of such persons, and any such remission shall in that case be deemed to apply only to the balance thereafter remaining of such pay and allowances.

¹ For Proceedings in Council, see Gazette of India, 1917, Pt. VI, p. 536.

(2) Any payments hitherto made to dependants by way of deductions from pay and allowances which, if this section had been in force, could have been validly made are hereby validated.

4. In section 76 of the said Act, in subsection (1), the words "held by the Commanding Officer of a Corps or department" and subsection (2), are hereby repealed.

Amendment
of section 76
of Act VIII
of 1911

5. For section 112 of the said Act, the following section shall be substituted, namely:—

Substitution
of new
section for
section 112
of Act VIII
of 1911

"112. When any person subject to this Act has been convicted by a fact-finding and a Court-martial of any offence, the Governor General in Council or the Commander-in-Chief in India or, in the case of a sentence which he could have confirmed or which did not require confirmation, the Officer Commanding the Army, Division or Independent Brigade in which such person at the time of his conviction was serving, or the prescribed officer may—

- (1) pardon the person,
- (2) mitigate or remit the punishment awarded, or commute such punishment for any less punishment or punishments mentioned in this Act,
- (3) order the restoration to him of any service or other advantages forfeited under his sentence,
- (4) re-admit him to the service which he has been discharged therefrom.

Provided that a sentence of transportation shall not be commuted for a sentence of imprisonment for a term exceeding the term of transportation awarded by the Court."

6. In section 113 (2) of the said Act, the following shall be inserted, namely:—

Amendment
of section
113 of
Act VIII of
1911

"(a) the commission of any offence to which he is liable by reason of his being a prisoner of war, and in which case, provided he is found guilty of such offence, he shall be liable to be sentenced to imprisonment for a term not exceeding three years."

ACT No. XIV OF 1917.¹

[21st March, 1917.]

An Act to amend the Prevention of Cruelty to Animals Act, 1890.

WHEREAS it is expedient to amend the Prevention of Cruelty to Animals Act, 1890; It is hereby enacted as follows:—

XI of 1890.

Short title.

1. This Act may be called the Prevention of Cruelty to Animals (Amendment) Act, 1917.

Insertion of new sections 5A and 5B in Act XI of 1890.

2. After section 5 of the Prevention of Cruelty to Animals Act, 1890 (hereinafter referred to as the said Act), the following sections XI of 1890. shall be inserted, namely:—

Penalty for being in possession of the skin of a goat killed with unnecessary cruelty.

“ 5A. If any person has in his possession the skin of a goat, and has reason to believe that the goat has been killed in an unnecessarily cruel manner, he shall be punished with fine which may extend to one hundred rupees, or with imprisonment which may extend to three months, or with both, and the skin shall be confiscated.

Presumptions as to possession of the skin of a goat.

5B. If any person is charged with the offence of killing a goat contrary to the provisions of section 5, or with an offence punishable under section 5A and it is proved that such person had in his possession, at the time the offence was alleged to have been committed, the skin of a goat with any part of the skin of the head attached thereto, it shall be presumed, until the contrary be proved, that such goat was killed in an unnecessarily cruel manner, and that the person in possession of such skin had reason so to believe.”

Insertion of new section 7A in Act XI of 1890.

Special power of search and seizure in respect of certain offences.

3. After section 7 of the said Act, the following section shall be inserted, namely:—

“ 7A. If a Police-officer, not below the rank of sub-inspector, has reason to believe that an offence under section 5, in respect of a goat, is being or is about to be, or has been, committed in any place, or that any person has in his possession the skin of a goat with any part of the skin of the head attached thereto, he may enter and search such place or any place in which he has reason to believe any such skin to be, and may seize any such skin and any article or thing used or intended to be used in the commission of such offence.”

¹ For Statement of Objects and Reasons, see Gazette of India, 1917, Pt. V, p. 4; for Report of Select Committee, see *ibid*, 1917, Pt. V, p. 55; and for Proceedings in Council, see *ibid*, 1917, Pt. VI, pp. 142, 292 and 559.

1917: Act XV.] *Registration (Amendment)*

4. In sub section (2) of section 8 of the said Act after the words "and figure" under sub section (1), the words, figure and letter "or of section 8 of Act XI of 1909" shall be added

ACT No. XV OF 1917

[13th September, 1917]

An Act further to amend the Indian Registration Act, 1908.

WHEREAS it is expedient further to amend the Indian Registration Act, 1908, It is hereby enacted as follows —

1. This Act may be called the Indian Registration (Amendment) Act, 1917

2. After section 23 of the Indian Registration Act, 1908, the following section shall be inserted, namely —

23A. Notwithstanding anything to the contrary contained in this Act, when any case a document requiring registration has been accepted for registration by a Registrar or Sub Registrar from a person not duly empowered to present the same, and has been registered, any person claiming under such document may, within four months from his first becoming aware that the registration of such document is invalid, present such document or cause the same to be presented in accordance with the provisions of Part VI for re-registration in the office of the Registrar of the district in which the document was originally registered; and upon the Registrar being satisfied that the document was so accepted for registration from a person not duly empowered to present the same, he shall proceed to the registration of the document as if it had not been previously registered, and as if application for re-registration was a presentation for registration made within the time allowed therefore by Part IV, and all the provisions of this Act as to registration of documents, shall apply to such re-registration, and such document, if duly re-registered in accordance with the provisions of this section, shall be deemed to have been duly registered for all purposes from the date of its original registration.

1. For amendments of the Indian Registration Act, 1908, see Act No. XV of 1917, Pt. VI, p. 2. For amendments of the Indian Registration Act, 1908, see Act No. XV of 1917, Pt. VI, p. 2. For amendments of the Indian Registration Act, 1908, see Act No. XV of 1917, Pt. VI, p. 2.

Provided that, within three months from the 12th day of September, 1917, any person claiming under a document to which this section applies may present the same or cause the same to be presented for re-registration in accordance with this section, whatever may have been the time when he first became aware that the registration of the document was invalid."

ACT No. XVII OF 1917.¹

[19th September, 1917.]

An Act to amend the Government Savings Banks Act, 1873.

WHEREAS it is expedient to amend the Government Savings Banks Act, 1873; It is hereby enacted as follows :—

V of 1873; 3

Short title. 1. This Act may be called the Government Savings Banks (Amendment) Act, 1917.

Amendment of sections 4 and 8, Act V of 1873. 2. In section 4 and section 8 of the Government Savings Banks Act, 1873, for the words "one thousand rupees" the words "three V of 1873; thousand rupees" shall be substituted.

ACT No. XVIII OF 1917.²

[19th September, 1917.]

An Act to restrict the transfer of Post Office 5-year Cash Certificates and to provide for the payment of Certificates standing in the name of deceased persons.

WHEREAS it is expedient to restrict the transfer of Post Office 5-year Cash Certificates and to provide for the payment of Certificates standing in the name of deceased persons; It is hereby enacted as follows :—

Short title. 1. This Act may be called the Post Office Cash Certificates Act, 1917.

¹ For Statement of Objects and Reasons, see Gazette of India, 1917, Pt. V, p. 87; and for Proceedings in Council, see *ibid*, 1917, Pt. VI, pp. 858 and 929.

² For Statement of Objects and Reasons, see Gazette of India, 1917, Pt. V, p. 75; and for Proceedings in Council, see *ibid*, 1917, Pt. VI, pp. 705 and 929.

2. (1) Notwithstanding any provision in any enactment or any rule of law for the time being in force to the contrary, no transfer (whether made before or after the commencement of this Act) of a Post Office 5-year Cash Certificate shall be valid without the previous consent in writing of ¹[an officer of the Post Office authorised by general or special order of the Governor General in Council in that behalf] Prohibition of transfer of Post Office 5-year Cash Certificates without the consent of the Post Master General

(2) In this section "transfer" means a transfer *inter vivos* and does not include a transfer by operation of law

3. (1) If a person dies and is at the time of his death the holder of a Post Office 5-year Cash Certificate, payment of the sum for the time being due on such Certificate may be made in the manner provided in the Government Savings Banks Act, 1873, for the payment of deposits belonging to the estates of deceased persons, and the provisions of sections 1 to 9 of the said Act shall apply accordingly as if the holder of such Certificate were a depositor in a Government Savings Bank and the sum for the time being due on such certificate were a deposit in such a Bank ²[and as if for the words "three thousand" in sections 4 and 8 of the said Act the words "five thousand" were substituted] Payment on death of holder of Post Office 5-year Cash Certificate

Provided that the powers conferred by the said provisions on the Secretary of a Government Savings Bank shall be exercisable by the Post Master-General for the area within which the post office of issue of such Certificate is situate.

Provided further that, where in any one case payment is to be made of Certificates issued from more post offices than one, the said powers shall be exercisable by the Post Master-General for the area in which any of the said post offices is situate.

(2) Nothing in sub-section (1) shall be deemed to require any person to accept payment of the amount due on a Post Office 5-year Cash Certificate before the same has reached maturity.

¹ These words were substituted by s. 2 of the Post Office Cash Certificates Act, 1917.

² These words were inserted by s. 3 of the

Provided that, within three months from the 12th day of September, 1917, any person claiming under a document to which this section applies may present the same or cause the same to be presented for re-registration in accordance with this section, whatever may have been the time when he first became aware that the registration of the document was invalid."

ACT No. XVII of 1917.¹

[19th September, 1917.]

An Act to amend the Government Savings Banks Act, 1873.

WHEREAS it is expedient to amend the Government Savings Banks Act, 1873; It is hereby enacted as follows:— V of 1873; 3

Short title. 1. This Act may be called the Government Savings Banks (Amendment) Act, 1917.

Amendment of sections 4 and 8, Act V of 1873. 2. In section 4 and section 8 of the Government Savings Banks Act, 1873, for the words "one thousand rupees" the words "three V of 1873; thousand rupees" shall be substituted.

ACT No. XVIII of 1917.²

[19th September, 1917.]

An Act to restrict the transfer of Post Office 5-year Cash Certificates and to provide for the payment of Certificates standing in the name of deceased persons.

WHEREAS it is expedient to restrict the transfer of Post Office 5-year Cash Certificates and to provide for the payment of Certificates standing in the name of deceased persons; It is hereby enacted as follows:—

Short title. 1. This Act may be called the Post Office Cash Certificates Act, 1917.

¹ For Statement of Objects and Reasons, see Gazette of India, 1917, Pt. V, p. 87; and for Proceedings in Council, see *ibid*, 1917, Pt. VI, pp. 858 and 929.

² For Statement of Objects and Reasons, see Gazette of India, 1917, Pt. V, p. 75; and for Proceedings in Council, see *ibid*, 1917, Pt. VI, pp. 705 and 929.

2. (1) Notwithstanding any provision in any enactment or any rule of law for the time being in force to the contrary, no transfer (whether made before or after the commencement of this Act) of a Post Office 5-year Cash Certificate shall be valid without the previous consent in writing of ¹[an officer of the Post Office authorised by general or special order of the Governor General in Council in that behalf] ^{Prohibition of transfer of Post Office 5-year Cash Certificates without the consent of the Post Master General}

(2) In this section "transfer" means a transfer *inter vivos* and does not include a transfer by operation of law

3. (1) If a person dies and is at the time of his death the holder of a Post Office 5-year Cash Certificate, payment of the sum for the time being due on such Certificate may be made in the manner provided in the Government Savings Bank's Act, 1873, for the payment of deposits belonging to the estates of deceased persons, and the provisions of sections 4 to 9 of the said Act shall apply accordingly as if the holder of such Certificate were a depositor in a Government Savings Bank and the sum for the time being due on such certificate were a deposit in such a Bank ²[and as if for the words "three thousand" in sections 4 and 8 of the said Act the words "five thousand" were substituted] ^{Payment on death of holder of Post Office 5-year Cash Certificate}

Provided that the powers conferred by the said provisions on the Secretary of a Government Savings Bank shall be exercisable by the Post Master-General for the area within which the post office of issue of such Certificate is situate.

Provided further that, where in any one case payment is to be made of Certificates issued from more post offices than one, the said powers shall be exercisable by the Post Master-General for the area in which any of the said post offices is situate.

(2) Nothing in sub-section (1) shall be deemed to require any person to accept payment of the amount due on a Post Office 5-year Cash Certificate before the same has reached maturity.

¹ These words were substituted by s. 2 of the Post Office Cash Certificates (Amendment) Act, 1922 (12 of 1922)
² These words were substituted by s. 2 of the Post Office Cash Certificates (Amendment) Act, 1922 (12 of 1922)

Presidency Small Cause Courts (Amendment). [1917: Act XXII.]

ACT No. XXI of 1917.¹

[19th September, 1917.]

An Act to amend the Indian Trusts Act, 1882.

WHEREAS it is expedient to amend the Indian Trusts Act, 1882; It II of 1882. is hereby enacted as follows:—

Short title. 1. This Act may be called the Indian Trusts (Amendment) Act, 1917.

Amendment of section 20 of Act II of 1882. 2. At the end of clause (c) of section 20 of the Indian Trusts Act, II of 1882, the following words shall be inserted, namely, "or in debentures of the Bombay Central Co-operative Bank, Limited, the interest whereon shall have been guaranteed, by the Secretary of State for India in Council".

ACT No. XXIII of 1917.²

[27th September, 1917.]

An Act further to amend the Presidency Small Cause Courts Act, 1882.

WHEREAS it is expedient further to amend the Presidency Small Cause Courts Act, 1882; It is hereby enacted as follows:— XV of 1882.

Short title. 1. This Act may be called the Presidency Small Cause Courts (Amendment) Act, 1917.

Amendment of section 7, Act XV of 1882. 2. For the provisos in section 7 of the Presidency Small Cause Courts Act, 1882, the following shall be substituted, namely:— XV of 1882.

" Provided that—

(1) no person shall be appointed to be Chief Judge of a Small Cause Court unless he is—

(a) an advocate of a High Court of Judicature established under the Indian High Courts Act, 1861, or the Government of India Act, 1915, or

(b) a vakil or attorney of one of the said High Courts;

¹ For Statement of Objects and Reasons, see Gazette of India, 1917, Pt. V, p. 60; and for Proceedings in Council, see *ibid*, 1917, Pt. VI, pp. 540 & 945.

² For Statement of Objects and Reasons, see Gazette of India, 1917, Pt. V, p. 88; and for Proceedings in Council, see *ibid*, 1917, Pt. VI, pp. 859 and 1109.

^{24 & 25}
Vict., c. 104,
5 & 6 Geo. 5,
c. 61.

1917: Act XXIII.] *Presidency Small Cause Courts (Amendment)*. 181

1917: Act XXIV.] *Repealing and Amending*.

(2) no person shall be appointed to be a Judge of a Small Cause Court unless he is—

(a) an advocate, vakil or attorney of one of the said High Courts, or

(b) a Judge of a Court of Civil Judicature of not less than five years' standing; and

(3) of the persons so appointed to be Judges, including the Chief Judge, not less than one-third shall be advocates of one of the said High Courts."

ACT No. XXIV of 1917.¹

[27th September, 1917.]

An Act to amend certain enactments and to repeal certain other enactments.

WHEREAS it is expedient that certain formal amendments should be made in the enactments specified in the First Schedule;

And whereas it is also expedient that certain enactments specified in the Second Schedule, which have ceased to be in force otherwise than by express specific repeal, or have become unnecessary, should be expressly and specifically repealed; It is hereby enacted as follows:—

1. This Act may be called the Repealing and Amending Act, 1917. Section 1

2. The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendment of certain enactments

3. [Repeal of certain enactments.] Repealed by the Repealing Act, 1927 (12 of 1927.)

4. [Summary.] Repealed by the Repealing Act, 1927 (12 of 1927).

¹ For Statement of Objects and Reasons see Gazette of India, 1917, Pt. V, p. 821 and for Proceedings in Council, see ibid., 1917, Pt. VI, pp. 629 and 1152

THE FIRST SCHEDULE.

AMENDMENTS.

(See Section 2.)

1	2	3	4
Year.	No.	Short title.	Amendments.
1870	VII	The Court-fees Act, 1870.	<p>In section 2 clause (a), after the words "St. George," the words "the Presidency of Fort William in Bengal" shall be inserted; and for the word "Bengal," the words "Bihar and Orissa" shall be substituted.</p> <p>In section 3, for the words "Statute 24 and 25 Victoria, Chapter 104, section 15" the following shall be substituted, namely :—</p> <p>"Section 15 of the Indian High Courts Act, 1861, or section 107 of the Government of India Act, 1915."</p>
1872	IX	The Indian Contract Act, 1872.	In section 133, after the word "principal" the word "debtor" shall be inserted.
1897	X	The General Clauses Act, 1897.	<p>In section 3, to each of clauses (3a), (5), (5a), (6), (8a), (8b), 44a), (46) and (55a), the following shall be added, namely :—</p> <p>"or the Government of India Act, 1915."</p> <p>In section 5, for sub-section (2), the following shall be substituted, namely :—</p> <p>"Where any Act of the Governor General in Council is reserved under section 68 of the Government of India Act, 1915, for the signification of His Majesty's pleasure thereon, then, if no later date is expressed, it shall come into operation, if assented to by His Majesty, on the day on which that assent is duly notified."</p> <p>To section 30, the following shall be added, namely :—</p> <p>"or section 72 of the Government of India Act, 1915."</p>
1908	V	The Code of Civil Procedure, 1908.	<p>In section 127, for the word "sanctioned" the word "approved" shall be substituted.</p> <p>In section 130 for the word "sanction" the word "approval" shall be substituted.</p>

THE FIRST SCHEDULE—concl'd.

AMENDMENTS—concl'd.

(See section 2.)

1	2	3	4
Year.	No.	Short title.	Amendments.
1912	VI	The Indian Life Assurance Companies Act, 1912.	<p>In section 25, for the words "published in the Gazette of India and cause to be published in the local official Gazette of the Province in which the life assurance company has its principal place of business" the following shall be substituted, namely:—"cause to be published in such manner as he may direct, a summary of"</p> <p>And in the same section after the words "the preceding year" the words "by every life assurance company" shall be inserted and for the words "such accounts, balance sheets, abstracts, statements or other documents" the words "such summary" shall be substituted.</p>
<i>Regulation by the Governor General in Council.</i>			
1916	I	The Arakan Hill District Laws Regulation, 1916.	In Schedule I, Part I, for the words "The Indian Airships Act, 1911" the words "The Indian Aircraft Act, 1911" shall be substituted.

[THE SECOND SCHEDULE]

[Repeals.] *Repealed by the Repealing Act, 1927 (12 of 1927).*ACT No. XXVI of 1917.¹

[27th September, 1917.]

An Act to validate certain transfers of property made prior to the 1st January, 1915.

WHEREAS it is expedient to validate certain transfers of property made prior to the 1st of January, 1915; It is hereby enacted as follows:—

1. (1) This Act may be called the Transfer of Property (Validating) Act, 1917.

¹ For Statement of Objects and Reasons, see Gazette of India, 1917, Pt. V, p. 331; for Report of Select Committee, see *ibid.*, 1917, Pt. V, p. 33 and for Proceedings in Council, see *ibid.*, 1917, Pt. VI, pp. 527-529, and *ibid.*, 1917, Pt. VI, pp. 526 and 531.

(2) It shall extend, in the first instance, to the United Provinces of Agra and Oudh, provided that the Governor General in Council may, by notification¹ in the Gazette of India, extend it to any other part of British India specified in the notification.

Validation
of certain
transfers
made prior
to the 1st
of January,
1915.

2. Where a mortgage or gift purports to have been effected by an instrument executed prior to the 1st of January, 1915, and such instrument is required by the Transfer of Property Act, 1882, to be attested, IV of 1882, such mortgage or gift shall not be deemed to be invalid by reason only that any person who purported to attest such instrument as a witness did not see the executant sign it, provided that such person before signing his name on the instrument received from the executant a personal acknowledgment of his signature to the same.

Restoration
of certain
claims.

3. Where a claim under any such instrument executed prior to the 1st of January, 1915, has been wholly or in part dismissed, rejected, or withdrawn, after the 30th day of July, 1912, and before the commencement of this Act, in a Court of first instance or of revision or appeal, by reason only of the fact that some person who purported to attest such instrument as a witness on having received before signing his name thereon a personal acknowledgment from the executant of his signature to the same, did not see the executant sign it, the case may, if the dismissal, rejection or withdrawal has had the effect of invalidating, in whole or in part, the said instrument as between persons claiming thereunder, be restored on review in accordance with the procedure provided by the Code of Civil Procedure, 1908, for review of judgments, Act V of 1908. on application in writing made within six months from the commencement of this Act; and on such restoration, the provisions of section 2 shall apply to such instrument:

Provided nevertheless—

(1) that every Court to whom such an application is made shall have a discretion to refuse the same if it is of opinion that such restoration would prejudice the rights of any transferee for value in good faith under any transfer made subsequent to the said 30th day of July, 1912;

(2) that in the event of a decree being passed upon such application in favour of the applicant or his legal representative, interest

¹ For notification extending the Act to the district of Ajmer-Merwara, see Gazette of India, 1921, Pt. I, p. 3.

shall only be allowed under such instrument at the contractual rate up to the date of the original dismissal, rejection or withdrawal of such claim, and for a period of six months therefrom, and at the rate of 6 per cent. thereafter until realization; and

- (3) that in the event of the case being so restored the Court shall be bound by the finding of the former Court, by or before whom the case was dismissed, rejected or withdrawn, on any issue of fact which was heard and finally determined by it

ACT No II of 1918¹

[6th March, 1918]

An Act to make provision for regulating exhibitions by means of Cinematographs.

WHEREAS it is expedient to make provision for regulating exhibitions by means of cinematographs, It is hereby enacted as follows:—

1. (1) This Act may be called the Cinematograph Act, 1918

Short title,
extent and
commence-
ment.

(2) It extends to the whole of British India, including British Baluchistan

2. (3) The [Local Government] may, by notification in the [local official Gazette] direct that the whole or any of its provisions shall come into force in any Province or part of a Province on such date as may be specified in the notification.²

3. In this Act, unless there is anything repugnant in the subject or context,—

"cinematograph" includes any apparatus for the representation of moving pictures or series of pictures;

"place" includes also a house, building, tent or vessel; and

"prescribed" means prescribed by rules made under this Act

¹ For history of Objects and Reasons see Gazette of India 1917, Pt. IV, p. 74; for Report of Select Committee, see ibid., 1917, Pt. IV, p. 114; and for Enactment, see ibid., 1917, Pt. IV, p. 74 and ibid., 1917, Pt. IV, p. 114.

² This subsection was substituted by section 2 of the Cinematograph (Amendment) Act, 1919 (No. 19 of 1919).

³ These words were substituted by section 2 of the Cinematograph (Amendment) Act, 1920 (No. 12 of 1920).

⁴ For notification bringing into force all or part of the Act, see Gazette of India, Pt. IV, p. 114; and for notification bringing into force the whole of the Act, see ibid., Pt. IV, p. 114.

⁵ This section was brought into force in the whole of British India by notification in the Gazette of India, Pt. IV, p. 114, dated 1st February 1920, and in the whole of British India by notification in the Gazette of India, Pt. IV, p. 114, dated 1st February 1920.

Cinematograph exhibitions to be licensed.

13. Save as otherwise provided in this Act, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Act, or otherwise than in compliance with any conditions and restrictions imposed by such licence.

Licensing authority.

14. The authority, having power to grant licences under this Act (hereinafter referred to as the "licensing authority") shall be the District Magistrate, or, in a presidency-town or in the town of Rangoon, the Commissioner of Police :

Provided that the Local Government may, by notification in the local official gazette, constitute for the whole or any part of a Province such other authority as it may specify in the notification to be the licensing authority for the purposes of this Act.

Restrictions on powers of licensing authority.

15. (1) The licensing authority shall not grant a licence under this Act, unless it is satisfied that—

(a) the rules made under the Act have been substantially complied with; and

(b) adequate precautions have been taken in the place in respect of which the licence is to be given to provide for the safety of persons attending exhibitions therein.

(2) A condition shall be inserted in every licence that the licensee will not exhibit, or permit to be exhibited, in such place any film other than a film which has been certified as suitable for public exhibition by ²[an authority constituted under section 7], and which, when exhibited, displays the prescribed mark of that authority, and has not been altered or tampered with in any way since such mark was affixed thereto.

(3) Subject to the foregoing provisions of this section, and to the control of the Local Government, the licensing authority may grant licences under this Act to such persons as it thinks fit, and on such terms and conditions, and subject to such restrictions as it may determine.

Punishment for contravention of this Act and rules made thereunder.

16. (1) If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used, in contravention of the provisions of

¹ Sections 3, 4, 5 and 6 were brought into force in the whole of British India including British Baluchistan with effect from the 1st August 1920, see Gen. R. and O., Vol. IV, p. 527.

² These words were substituted by s. 3 of the Cinematograph (Amendment) Act, 1919 (23 of 1919).

this Act or the rules made thereunder, or of the conditions and restrictions upon, or subject to which, any licence has been granted under this Act, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues, and his licence (if any) shall be liable to be revoked by the licensing authority.

(2) If any person is convicted of an offence punishable under this Act committed by him in respect of any film, the convicting Court may further direct that the film shall be forfeited to His Majesty.

1[7. (1) Any Local Government authorised in this behalf by the Governor General in Council may, by notification in the local official gazette, constitute as many authorities as it may think fit for the purposes of examining and certifying films as suitable for public exhibition, and declare the area (hereinafter referred to as the 'local area') within which each such authority shall exercise the powers conferred on it by this Act. Where an authority so constituted consists of a Board of two or more persons, not more than one-half of the members thereof shall be persons in the service of Government.

(2) If any such authority after examination considers that a film is suitable for public exhibition, it shall grant a certificate to that effect to the person applying for the same, and shall cause the film to be marked in the prescribed manner. The certificate of any such authority shall, save as hereinafter provided, be valid throughout the territories in which this Act is in force.

(3) (a) If the authority is of opinion that a film is not suitable for public exhibition in the local area, it shall inform the person applying for the certificate of its decision, and such person may, within thirty days from the date of such decision, appeal for a reconsideration of the matter by the Local Government by which the authority was constituted.

(b) If the Local Government rejects the appeal it shall, by notification in the local official gazette, direct that the film shall be deemed

¹ This section was substituted by Act 4 of the Cinematograph (Amendment) Act, 1919 (No. 1222).

This section was brought into force in the whole of British India on 1st February 1920, with effect from 1st February and 1st August, 1920, see G.O. No. 1, and O. No. 14, 1920 (the two notations).

(2) It shall come into force on such date¹ as the Governor General in Council, may, by notification in the Gazette of India, direct.

Amendment
of section 4,
Act III of
1906.

2. In section 4 of the Indian Coinage Act, 1906 (hereinafter referred to as the said Act), the words " and (d) and eighth of a rupee, or two-anna piece " shall be omitted.

Amendment
of section 5,
Act III of
1906.

3. In sub-section (2) of section 5 of the said Act, for the third and fourth items in the table annexed to the proviso, the following shall be substituted, namely :—

" Quarter-rupee.	Seven-thousandths.	Three-thousandths."
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Substitution
of new sec-
tion 6, Act
III of 1906.
Nickel coins.

4. For section 6 of the said Act, the following section shall be substituted, namely :—

" 6. The following nickel coins only shall be coined at the Mint for issue under the authority of the Governor General in Council, namely : a two-anna piece and a one-anna piece."

Amendment
of section 7,
Act III of
1906.

5. In section 7 of the said Act, for the words " one-anna piece shall be sixty grains Troy," the words " two-anna and one-anna pieces shall be ninety and sixty grains Troy, respectively," shall be substituted.

Amendment
of section 12,
Act III of
1906.

6. In sub-section (2) of section 12 of the said Act, the words " and eighth of a rupee " shall be omitted.

Substitution
of new sec-
tion for sec-
tion 13, Act
III of 1906.
Nickel coin
when a legal
tender.

7. For section 13 of the said Act, the following section shall be substituted, namely :—

" 13. The two-anna and one-anna nickel coins specified in section 6 shall be a legal tender in payment or on account for any sum not exceeding one rupee at the rate of eight and sixteen for a rupee respectively."

Saving of
the provi-
sions of
Act III of
1906 in
respect of
silver two-
anna pieces.

8. Nothing in this Act shall apply to silver two-anna pieces which may have been issued prior to the commencement of this Act, and the provisions of the said Act shall apply to them as if this Act had not been passed.

¹ The 1st April, 1918, see Gen. R. and O., Vol. IV, p. 528.

ACT No. X of 1918¹

[22nd March, 1918]

An Act to give additional powers to Courts to deal in certain cases with usurious loans of money or in kind

WHEREAS it is expedient to give additional powers to Courts to deal in certain cases with usurious loans of money or in kind It is hereby enacted as follows —

1 (1) This Act may be called the Usurious Loans Act 1918

Short title
and extent

(2) It extends to the whole of British India including British Baluchistan

(3) The Local Government may, by notification² in the local official gazette, direct that it shall not apply to any area, class of persons or class of transactions which it may specify in its notification

2 In this Act unless there is anything repugnant in the subject or Definitions context —

(1) 'Interest' means rate of interest and includes the return to be made over and above what was actually lent whether the same is charged or sought to be recovered specifically by way of interest or otherwise

(2) 'Loan' means a loan whether of money or in kind and includes any transaction which is in the opinion of the Court in and since a loan

(3) 'Suit to which this Act applies' means any suit—

(a) for the recovery of a loan made after the commencement of this Act or

(b) for the enforcement of any security taken or any agreement whether by way of settlement of account or otherwise, made after the commencement of this Act in respect of any loan made either before or after the commencement of this Act

¹ The Usurious Loans Act, 1918, passed by the Council of India on 22nd March 1918, and by the Imperial Legislative Council on 27th March 1918, and by the Governor-General in Council on 28th March 1918.

² The Act was notified to be in force in the Punjab and the United Provinces on 28th March 1918.

³ The Act was notified to be in force in the United Provinces on 28th March 1918, and in the Punjab on 29th March 1918.

¹[or

(c) for the redemption of any security given after the commencement of this Act in respect of any loan made either before or after the commencement of this Act].

Re-opening
of trans-
actions.

3. (1) Notwithstanding anything in the Usury Laws Repeal Act, ^{XXVIII} 1855, where, in any suit to which this Act applies, whether heard *ex parte* or otherwise, the Court has reason to believe,—

(a) that the interest is excessive; and

(b) that the transaction was, as between the parties thereto, substantially unfair,

the Court may exercise all or any of the following powers, namely, may,—

(i) re-open the transaction, take an account between the parties, and relieve the debtor of all liability in respect of any excessive interest,

(ii) notwithstanding any agreement, purporting to close previous dealings and to create a new obligation, re-open any account already taken between them and relieve the debtor of all liability in respect of any excessive interest, and if anything has been paid or allowed in account in respect of such liability, order the creditor to repay any sum which it considers to be repayable in respect thereof;

(iii) set aside either wholly or in part or revise or alter any security given or agreement made in respect of any loan, and if the creditor has parted with the security, order him to indemnify the debtor in such manner and to such extent as it may deem just:

Provided that, in the exercise of these powers, the Court shall not—

(i) re-open any agreement purporting to close previous dealings and to create a new obligation which has been entered into by the parties or any persons from whom they claim at a date more than ²[twelve] years from the date of the transaction;

(ii) do anything which affects any decree of a Court.

¹ This clause was added by s. 2 of the Usurious Loans (Amendment) Act, 1926 (28 of 1926).

² This word was substituted for "six" by s. 3, *ibid.*

Explanation—In the case of a suit brought on a series of transactions the expression "the transaction" means, for the purposes of proviso (1), the first of such transactions.

(2) (a) In this section "excessive" means in excess of that which the Court deems to be reasonable having regard to the risk incurred as it appeared, or must be taken to have appeared, to the creditor at the date of the loan.

(b) In considering whether interest is excessive under this section, the Court shall take into account any amounts charged or paid whether in money or in kind, for expenses, inquiries, fines, bonuses, premia, renewals or any other charges and if compound interest is charged, the periods at which it is calculated and the total advantage which may reasonably be taken to have been expected from the transaction.

(c) In considering the question of risk, the Court shall take into account the presence or absence of security and the value thereof, the financial condition of the debtor and the result of any previous transactions of the debtor by way of loan so far as the same were known or must be taken to have been known, to the creditor.

(d) In considering whether a transaction was substantially unfair, the Court shall take into account all circumstances materially affecting the relations of the parties at the time of the loan or tending to show that the transaction was unfair, including the necessities or supposed necessities of the debtor at the time of the loan so far as the same were known, or must be taken to have been known, to the creditor.

Explanation—Interest may of itself be a factor evidence that the transaction was substantially unfair.

(3) This section shall apply to any suit whatever its form may be, if such suit is substantially one for the recovery of a loan or for the enforcement of any contract or agreement in respect of a loan. [Proviso for the repeal of Act No. 14 of 1915.]

¹ This section shall apply to all suits of the High Court, District Court, and Small Cause Court.

(4) Nothing in this section shall affect the rights of any transferee for value who satisfies the Court that the transfer to him was *bond fide*, and that he had at the time of such transfer no notice of any fact which would have entitled the debtor as against the lender to relief under this section.

For the purposes of this sub-section, the word "notice" shall have the same meaning as is ascribed to it in section 4 of the Transfer of Property Act, 1882. IV of 1882,

(5) Nothing in this section shall be construed as derogating from the existing powers or jurisdiction of any Court.

Insolvency
proceedings.

4. On any application relating to the admission or amount of a proof of a loan in any insolvency proceedings, the Court may exercise the like powers as may be exercised under section 3 by a Court in a suit to which this Act applies.

ACT No. XI OF 1918.¹

[22nd March, 1918.]

An Act further to amend the Indian Army Act, 1911.

WHEREAS it is expedient further to amend the Indian Army Act, VIII of 1911; 1911; It is hereby enacted as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Indian Army (Amendment) Act, 1918.

(2) It shall come into force on such date² as the Governor General in Council may, by notification in the Gazette of India, direct in this behalf.

Substitution
of "Indian"
for "native"
in Act VIII
of 1911.

2. In the Indian Army Act, 1911 (hereinafter referred to as the VIII of 1911, said Act), for the expressions "native" and "a native" wherever they occur, the expressions "Indian" and "an Indian" shall be substituted, respectively.

¹ For Statement of Objects and Reasons, see Gazette of India, 1918, Pt. V, p. 19; for Report of Select Committee, see *ibid*, 1918, Pt. V, p. 43; and for Proceedings in Council, see *ibid*, 1918, Pt. VI, pp. 283 and 711.

² The 1st August, 1918, see Gen. R. and O., Vol. IV, p. 529.

3 For sub section (1) of section 6 of the said Act the following sub section shall be substituted, namely —

"6 (1) Whenever persons subject to this Act are serving—

Amendment
of section 6
of Act VIII
of 1911
Order to
exercise
powers in
certain
cases

(a) out of India under an officer not subject to the authority of the Governor General in Council, or

(b) in India under an officer commanding any military organization not in this section specifically named, and being, in the opinion of the Governor General in Council, not less than a brigade,

the Governor General in Council may prescribe the officer by whom the powers which, under this Act, may be exercised by officers commanding armies, army corps, divisions and brigades, shall, as regards such persons, be exercised "

4 For clause (6) of section 7 of the said Act, the following clause shall be substituted, namely —

Amendment
of section 7
of Act VIII
of 1911

"(6) 'army', 'army corps', 'division' and 'brigade' mean respectively an army, army corps, division or brigade which is under the command of an officer subject to the authority of the Governor General in Council or, when on active service, an army, army corps, division or brigade under the command of an officer holding a commission in His Majesty's Land Forces "

5 In section 9 of the said Act, after the words 'he shall sign,' the words 'and shall also cause the person to sign,' shall be inserted

Amendment
of section 9
of Act VIII
of 1911

6 In sections 14, 19, 21, 23 and 108 of the said Act, after the word 'army', the words 'army corps' and in section 102 of the said Act after the word 'army', the words 'or army corps' shall be inserted

Amendment
of sections
14, 19, 21
and 102 of
Act VIII of
1911

7 To sub section (2) of section 16 of the said Act, the following proviso shall be added, namely —

Amendment
of section 16
of Act VIII
of 1911

'Provided that, where any such person is sentenced to discipline combined with any other punishment, or either punishment or, in the case of a sentence of transportation or imprisonment, a portion of such other punishment may be inflicted before he is sent to India'

8 After clause (j) of section 25 of the said Act, the following shall be added, namely —

Amendment
of section 25
of Act VIII
of 1911

"or

(k) on active service commits any offence against the property or person of any inhabitant of, or resident in, the country in which he is serving "

Amendment
of section 27
of Act VIII
of 1911.

9. In clause (a) of section 27 of the said Act, after the word "causes", the words "or conspires with any other persons to cause" shall be inserted.

Insertion of
new section
39A in Act
VIII of 1911.

10. After section 39 of the said Act, the following section shall be inserted, namely :—

Attempts.

"39A. Whoever attempts to commit an offence punishable by this Act or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, may, where no express provision is made by this Act for the punishment of such attempt, be punished with the punishment provided in this Act for such offence."

Amendment
of section 43
of Act VIII
of 1911.

11. In section 43 of the said Act—

(1) in clause (c) for the words and brackets "(with or without solitary confinement)", the words "either rigorous or simple" shall be substituted;

(2) in clause (e) for the words "any stated period," the words "a period not exceeding two months" shall be substituted;

(3) after clause (g) the following clause shall be inserted, namely :—

"(gg) in the case of officers, reprimand or severe reprimand";

(4) in clause (h) after sub-clause (iv), the following sub-clause shall be added, namely :—

"(v) on active service forfeiture of pay and allowances for a period not exceeding three months."

Amendment
of section 47
of Act VIII
of 1911.

12. In section 47 of the said Act, after the brackets and letter "(f)", the brackets and letters "(gg)" shall be inserted.

Insertion of
new section
49A in Act
VIII of 1911.

13. In Chapter VI after section 49 of the said Act, the following section shall be added, namely :—

Retention in
the ranks of
a person con-
victed on
active
service.

"49A. When any person on active service has been sentenced by court-martial to dismissal or to transportation or imprisonment, whether combined with dismissal or not, the prescribed officer may direct that such person may be retained to serve in the ranks, and where such person has been sentenced to transportation or imprisonment, such service shall be reckoned as part of his term of transportation or imprisonment."

14 In section 50 of the said Act, after clause (c), the following clause shall be inserted, namely —

Amendment
of section 50
of Act VIII
of 1911

"(cc) for every day on which he is in hospital on account of sickness certified by the medical officer attending on him to have been caused by his own misconduct or imprudence, such sum as may be specified by order of the Commander-in-Chief in India,"

15 In the proviso to section 71 of the said Act, after the words 'district court martial,' the words "or on active service a summary general court martial" shall be inserted

Amendment
of section 71
of Act VIII
of 1911

16 After sub section (6) of section 86 of the said Act, the following sub section shall be added, namely —

Amendment
of section 86
of Act VIII
of 1911

' (6) A person charged before a court martial with any offence under this Act may be found guilty of having attempted to commit or of abetment of that offence although the attempt or abetment is not separately charged '

17 In section 91 of the said Act, for the words "and of the enrolment of such person," the following words shall be substituted, namely —

Amendment
of section 91
of Act VIII
of 1911

' The enrolment of such person may be proved by the production of a copy of his enrolment paper purporting to be certified to be a true copy by the officer having the custody of the enrolment paper '

18 After section 91 of the said Act, the following section shall be inserted, namely —

Insertion of
section 91A
in Act
VIII of 1911

' 91A (1) A letter, return or other document respecting the service of any person in, or the dismissal or discharge of any person from, any portion of His Majesty's Force or reporting the circumstances of any person not having served in or belonged to, any portion of His Majesty's Forces, if purporting to be signed by or on behalf of the Governor General in Council or the Commander-in-Chief in India or by any prescribed officer, shall be evidence of the facts stated in such letter, return or other document

Insertion of
section 91A
in Act
VIII of 1911

(2) An Affidavit or Gazette report purporting to be published by authorities shall be evidence of the status and rank of the officers or

warrant officers therein mentioned, and of any appointment held by such officers or warrant officers and of the corps, battalion or arm or branch of the service to which such officers or warrant officers belong.

(3) Where a record is made in any regimental book, in pursuance of this Act or of any rules made thereunder or otherwise in pursuance of military duty, and purports to be signed by the commanding officer or by the officer whose duty it is to make such record, such record shall be evidence of the facts thereby stated.

(4) A copy of any record in any regimental book purporting to be certified to be a true copy by the officer having the custody of such book shall be evidence of such record.

(5) Where any person subject to this Act is being tried on a charge of desertion or of absence without leave, and such person has surrendered himself into the custody of, or has been apprehended by, a provost-marshal, assistant provost-marshal or other officer, or any portion of His Majesty's Forces, a certificate purporting to be signed by such provost-marshal, assistant provost-marshal or other officer, or by the commanding officer of that portion of His Majesty's Forces and stating the fact, date and place of such surrender or apprehension, shall be evidence of the matters so stated.

(6) When any person subject to this Act is being tried on a charge of desertion or of absence without leave, and such person has surrendered himself into the custody of, or has been apprehended by, a police officer not below the rank of an officer in charge of a police-station, a certificate purporting to be signed by such police-officer and stating the fact, date and place of such surrender or apprehension, shall be evidence of the matters so stated."

Amendment
of section 98
of Act VIII
of 1911. -

19. In sub-section (1) of section 98 of the said Act,—

(1) after the words "convening officer," the words "or if the convening officer so directs, by an authority superior to the convening officer" shall be inserted;

(2) in clause (c) for the word "said," the word "convening" shall be substituted.

20. After section 99 of the said Act, the following section shall be inserted, namely:—

Insertion of
new section
99A in Act
VIII of 1911.

"99A. When any person subject to this Act is tried and sentenced by court-martial while on board ship, the finding and sentence so far as not confirmed and executed on board ship may be confirmed and executed in like manner as if such person had been tried at the port of disembarkation."

Confirmation
of finding
and sentence
on board
of ship

21. After the proviso to section 107 of the said Act, the following proviso shall be added, namely:—

Amendment
of section
107 of Act
VIII of
1911

" Provided further that on active service a sentence of rigorous imprisonment may be carried out by confinement in such place as the officer commanding the forces in the field may, from time to time, appoint."

22. After section 108 of the said Act, the following section shall be inserted, namely:—

Insertion of
new section
108A in Act
VIII of 1911.

" 108A. In every case in which a sentence of transportation is passed under this Act, the offender, until he is transported, shall be dealt with in the same manner as if sentenced to rigorous imprisonment, and shall be deemed to have been undergoing his sentence of transportation during the term of his imprisonment."

Offender
sentenced to
transporta-
tion shall
be dealt with
as if
transported

23. In Chapter IX of the said Act after section 111, the following section shall be added, namely:—

Insertion of
new section
111A in Act
VIII of
1911.

" 111A. When a sentence of fine is imposed by a court-martial under section 41 or section 42, whether the trial was held within British India or not, a copy of such sentence, signed and certified by the president of the court or the officer holding the trial, as the case may be, may be sent to any Magistrate in British India, and such Magistrate shall thereupon cause the fine to be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898, for the levy of fines as if it was a sentence of fine imposed by such Magistrate."

Insertion
of sentence
of fine

Substitution
of new
section for
section 112
of Act VIII
of 1911.

Pardons and
remissions.

24. For section 112 of the said Act, the following section shall be substituted, namely :—

“ 112. (1) When any person subject to this Act has been convicted by a court-martial of any offence, the Governor General in Council or the Commander-in-Chief in India or, in the case of a sentence which he could have confirmed or which did not require confirmation, the officer commanding the army, army corps, division or independent brigade in which such person at the time of his conviction was serving, or the prescribed officer may,

(a) either without conditions or upon any conditions which the person sentenced accepts, pardon the person or remit the whole or any part, of the punishment awarded ;

(b) mitigate the punishment awarded, or commute such punishment for any less punishment or punishments mentioned in this Act :

Provided that a sentence of transportation shall not be commuted for a sentence of imprisonment for a term exceeding the term of transportation awarded by the court.

(2) If any condition on which a person has been pardoned or a punishment has been remitted is, in the opinion of the authority which granted the pardon or remitted the punishment, not fulfilled, such authority may cancel the pardon or remission, and thereupon the sentence of the court shall be carried into effect as if such pardon had not been granted or such punishment had not been remitted :

Provided that, in the case of a person sentenced to transportation or imprisonment, such person shall undergo only the unexpired portion of his sentence.

(3) When under the provisions of section 49 a non-commissioned officer is deemed to be reduced to the ranks, such reduction shall, for the purposes of this section, be treated as a punishment awarded by sentence of a court-martial.”

25. After section 126 of the said Act, the following sections shall be inserted, namely :—

Insertion of
new sections
126A and
126B in Act
VIII of 1911.

Disposal of Property.

“ 126A. When any property regarding which any offence appears to have been committed, or which appears to have been used for the

Order for
custody and

commission of any offence, is produced before a court-martial during a trial, the court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the trial, and if the property is subject to speedy or natural decay, may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

126B. (1) After the conclusion of a trial before any court-martial, the court or the officer confirming the finding or sentence of such court-martial or any authority superior to such officer, or, in the case of a court-martial whose finding or sentence does not require confirmation, the officer commanding the army, army corps, division or brigade within which the trial was held, may make such order as it or he thinks fit for the disposal by destruction, confiscation, delivery to any person claiming to be entitled to possession thereof, or otherwise, of any property or document produced before the court or in its custody, or regarding which any offence appears to have been committed or which has been used for the commission of any offence.

(2) Where any order has been made under sub-section (1) in respect of property regarding which an offence appears to have been committed, a copy of such order signed and certified by the authority making the same may, whether the trial was held within British India or not, be sent to a Magistrate in any presidency-town or district in which such property for the time being is, and such Magistrate shall thereupon cause the order to be carried into effect as if it was an order passed by such Magistrate under the provisions of the Code of Criminal Procedure, 1893.

Explanation.—In this section the term 'property' includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange wholly or immediately or otherwise."

26. [Repeals] Repealed by the Repealing Act, 1927 (12 of 1927).

[THE SCHEDULE]

Repealed by the Repealing Act, 1927 (12 of 1927).

Substitution
of new
section for
section 112
of Act VIII
of 1911.

Pardons and
remissions.

24. For section 112 of the said Act, the following section shall be substituted, namely :—

“ 112. (1) When any person subject to this Act has been convicted by a court-martial of any offence, the Governor General in Council or the Commander-in-Chief in India or, in the case of a sentence which he could have confirmed or which did not require confirmation, the officer commanding the army, army corps, division or independent brigade in which such person at the time of his conviction was serving, or the prescribed officer may,

(a) either without conditions or upon any conditions which the person sentenced accepts, pardon the person or remit the whole or any part, of the punishment awarded;

(b) mitigate the punishment awarded, or commute such punishment for any less punishment or punishments mentioned in this Act :

Provided that a sentence of transportation shall not be commuted for a sentence of imprisonment for a term exceeding the term of transportation awarded by the court.

(2) If any condition on which a person has been pardoned or a punishment has been remitted is, in the opinion of the authority which granted the pardon or remitted the punishment, not fulfilled, such authority may cancel the pardon or remission, and thereupon the sentence of the court shall be carried into effect as if such pardon had not been granted or such punishment had not been remitted :

Provided that, in the case of a person sentenced to transportation or imprisonment, such person shall undergo only the unexpired portion of his sentence.

(3) When under the provisions of section 49 a non-commissioned officer is deemed to be reduced to the ranks, such reduction shall, for the purposes of this section, be treated as a punishment awarded by sentence of a court-martial.”

Insertion of
new sections
126A and
126B in Act
VIII of 1911.

25. After section 126 of the said Act, the following sections shall be inserted, namely :—

Disposal of Property.

Order for
custody and

“ 126A. When any property regarding which any offence appears to have been committed, or which appears to have been used for the

commission of any offence, is produced before a court martial during a trial, the court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the trial, and if the property is subject to speedy or natural decay, may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of

126B (1) After the conclusion of a trial before any court martial, the court or the officer confirming the finding or sentence of such court martial or any authority superior to such officer, or, in the case of a court-martial whose finding or sentence does not require confirmation, the officer commanding the army, army corps, division or brigade within which the trial was held, may make such order as it or he thinks fit for the disposal by destruction, confiscation, delivery to any person claiming to be entitled to possession thereof, or otherwise, of any property or document produced before the court or in its custody, or regarding which any offence appears to have been committed or which has been used for the commission of any offence

(2) Where any order has been made under sub-section (1) in respect of property regarding which an offence appears to have been committed, a copy of such order signed and certified by the authority making the same may, whether the trial was held within British India or not, be sent to a Magistrate in any presidency town or district in which such property for the time being is, and such Magistrate shall thereupon cause the order to be carried into effect as if it was an order passed by such Magistrate under the provisions of the Code of Criminal Procedure, 1893

Explanation—In this section the term property includes in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange wholly or partly or otherwise

26 [Repeals] Repealed by the Repealing Act 1927 (12 of 1927)

[THE SCHEDULE]

Repealed by the Repealing Act 1927 (12 of 1927)

ACT No. XVI OF 1918.¹

[20th September, 1918.]

An Act to provide for the immediate effect for a limited period of Bills introduced into the Indian Legislative Council which impose or vary certain taxation.

WHEREAS it is expedient to provide for the immediate effect for a limited period of Bills introduced into the Indian Legislative Council which impose or vary certain taxation; It is hereby enacted as follows :—

Short title. 1. This Act may be called the Provisional Collection of Taxes Act, 1918.

Government taxation Bill to have limited statutory effect. 2. When a Bill is introduced into the Indian Legislative Council by ²[any officer of the Government acting on behalf of the Governor General in Council] and such Bill provides for the imposition or variation of any tax in the nature of customs or excise duties, and there is inserted therein a declaration that it is expedient in the public interest that the Bill should have temporary effect under the provisions of this Act, the Bill shall, for the period limited by this section and subject to the provisions of this Act, have effect from the date of its introduction as if it were an Act of the Governor General in Council :

Provided that the Bill shall cease to have such effect if it is rejected by the said Council, or is not passed into law within thirty days from the date of introduction :

Provided further that, if the Bill is passed into law by the said Council in a modified form, the Bill shall be deemed to have effect under this Act as so modified.

Repayment of money paid where Bill ceases to have statutory effect. 3. (1) Where under this Act a Bill to which this Act applies ceases to have effect thereunder, any money paid in pursuance of the Bill shall be repaid or made good, and any deduction made in pursuance of the Bill shall be deemed to be an unauthorised deduction.

(2) Where the tax as imposed by the Bill is modified by the Act passed by the Indian Legislative Council any money which has been paid

¹ For Statement of Objects and Reasons, see Gazette of India, 1918, Pt. V, p. 54; and for Proceedings in Council, see *ibid*, 1918, Pt. VI, pp. 757 and 993.

² These words were substituted by s. 2 and Sch. I of the Repealing and Amending Act, 1923 (11 of 1923).

1918: Act XX.] *Companies (Foreign Interests).*

in pursuance of the Bill which would not have been payable under the new conditions affecting the tax shall be repaid or made good; and any deduction made in pursuance of the Bill shall, so far as it would not have been authorised under the new conditions affecting the tax, be deemed to be an unauthorised deduction.

14. [A declaration such as is referred to in section 2 may be made in respect of any provision of a Bill of the nature described in that section which provides for the imposition or variation of any tax in the nature of customs or excise duties and where such declaration has been made in respect of any such provisions this Act shall have effect as if references to the Bill were references to such provision.]

Application
of Act to
specified
classes of a
Bill

ACT No. XX of 1918²

[26th September, 1918.]

An Act to take power to prohibit the alteration, except with the sanction of the Governor General in Council, of articles of association which restrict foreign interests in certain Companies, and to provide for other purposes connected therewith.

WHEREAS it is expedient to take power to prohibit the alteration, except with the sanction of the Governor General in Council, of articles of association which restrict foreign interests in certain companies, and to provide for other purposes connected therewith, It is hereby enacted as follows:—

1 This Act may be called the Indian Companies (Foreign Interests) Act, 1918.

2 (1) In this Act—

DeSo

(a) the expression "British subject" has the same meaning as in section 27 of the British Nationality and Status of Aliens Act, 1914, but shall not include any person who holds a certificate of naturalisation as a British subject granted under any

¹ This section was inserted by s. 2 and Sch. I of the Repealing and Amending Act, 1923 (11 of 1923).

² For Statement of Objects and Reasons, see Gazette of India, 1918, Pt. V, p. 77; and for Proceedings in Council, see *ibid.*, 1918, Pt. VI, pp. 973 and 1143.

Act of the Governor General in Council for the time being in force, and any association incorporated in any part of His Majesty's dominions : Provided that the said expression shall, for the purposes of this Act, be deemed to apply to any subject of a State in India ;

- (b) the expression "restrictive provision" means any provision in the articles of association of a company which, in the opinion of the Governor General in Council, is designed to restrict or limit or has the effect of restricting or limiting the share or shares or interest which may be held, or the rights, powers or authority which may be conferred upon or exercised by or on behalf of persons other than British subjects in the company, or in respect of the control, management or direction of the affairs thereof.

(2) All words and expressions used in this Act and defined in the Indian Companies Act, 1913, shall be deemed to have the meanings VII of 1913, respectively attributed to them by that Act.

Application
of Act.

3. This Act shall apply to such companies as the Governor General in Council may, by notification in the Gazette of India, declare to be companies with restrictive provisions, and any such notification shall specify the restrictive provisions.

Alterations
in restrictive
provisions
and winding
up.

4. So long as a notification issued under section 3 is in force in respect of any company, notwithstanding anything to the contrary in any other Act—

- (1) no alteration of the articles of association of the company, affecting either directly or indirectly any restrictive provision shall be of any effect until it has received the consent in writing of the Governor General in Council ;
- (2) a resolution for the voluntary winding up of the company shall be of no effect unless the Governor General in Council authorises or ratifies it by a written consent ;
- (3) any Court which has jurisdiction to wind up the company may, in its discretion refuse to make a winding up order. In the exercise of its discretion the Court shall be guided by the consideration whether the winding up is *bonâ fide* with

a view to the discontinuance of the undertaking or is with a view to continuing the undertaking freed either wholly or in part from any restrictive provision.

(4) the Governor General in Council in giving consent, or the Court in making a winding up order, as the case may be, may impose such terms or conditions for giving effect to the purposes of this Act as he or it thinks fit.

ACT No. XXII of 1918 1

[26th September, 1918]

An Act to provide that certain bronze coins coined outside British India shall be legal tender in British India

WHEREAS it is expedient to provide that certain bronze coins coined outside British India shall be legal tender in British India. It is hereby enacted as follows:—

¹ This Act may be called the Bronze Coin (Legal Tender) Act, 1918.

2 (1) Where bronze coins of any of the denominations specified in section 8 of the Indian Coinage Act, 1906 are coined outside British India at the request of the Governor General in Council and the Governor General in Council is satisfied that such coins are in accordance with the requirements of section 9 and of any notification for the time being in force under section 10 of the said Act, he may, by notification in the Gazette of India direct the issue of any such coins, and thereafter any such coins shall be legal tender in payment or on account in the same way and to the same extent as if they were coins referred to in section 14 of the said Act, and the provisions of the said Act shall apply accordingly.

(1) shall be deemed to be Queen's coin within the meaning of section 13 of 220 of the Indian Penal Code

The following are the names of the persons who have been named in the above-mentioned affidavits as having been present at the meetings of the committee:

ACT No. XXIII OF 1918.¹

[26th September, 1918.]

An Act to take powers to provide for the cheap supply of cotton cloth to the poorer classes of the community.

WHEREAS it is expedient to take powers for the purpose of encouraging or maintaining the supply, at reasonable rates, to the poorer classes of the community, of cotton cloth manufactured in this country; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Cotton Cloth Act, 1918.

Definition s.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) " Controller " means a Controller appointed under this Act;

(b) " cotton cloth " means cotton cloth manufactured in this country; and

(c) " standard cloth " means any kind of cotton cloth which a Controller may, from time to time, declare to be standard cloth.

Power to
appoint
Controllers.

3. The Governor General in Council may, by notification² in the Gazette of India, appoint one or more persons as he may think fit to be Controllers for the purposes of this Act, and shall specify in any such notification the area in which any Controller so appointed shall exercise his powers.

Powers of
the Control-
ler.

4. (1) Whenever it appears to a Controller that such a course is necessary or expedient for the purpose of encouraging or maintaining the supply of standard cloth, at reasonable rates to the poorer classes of the community, he may (subject to this Act and the rules made thereunder and to the control of the Governor General in Council) make general or special orders regulating or giving directions within the area in which he is empowered, with respect to the manufacture, transport, distribution and sale or purchase of, or other dealings in, cotton cloth.

(2) Without prejudice to the generality of the foregoing power, orders may be made by a Controller—

(a) declaring and defining the classes of standard cloth;

¹ For Statement of Objects and Reasons, see Gazette of India, 1918, Pt. V, p. 68; for Report of Select Committee, see *ibid.*, 1918, Pt. V, p. 77; and for Proceedings in Council, see *ibid.*, 1918, Pt. VI, pp. 754, 953, 1000 and 1147.

² For such notification, see Gazette of India, 1918, Pt. I, p. 1558.

- (b) prescribing distinctive indications which shall be woven into, impressed or otherwise displayed upon, different classes of standard cloth;
- (c) requiring any person, who ordinarily manufactures cotton cloth, to manufacture, or provide for the manufacture of, standard cloth in such quantity, of such quality and by such date as the Controller may direct; and
- (d) fixing the prices to be paid to the manufacturer for standard cloth or for any particular class of standard cloth, and providing for the payment thereof on delivery.

Provided that in fixing prices the Controller shall have regard to the cost of production and to the allowance of a reasonable profit, without necessarily taking into consideration the market-price, and if the Controller is satisfied that the manufacturer has incurred actual loss arising out of forward contracts entered into before the commencement of this Act, and that such loss is immediately attributable to an order under this Act, he may take such loss into account:

Provided further that the Controller may fix different prices in the case of different localities or, if special reasons exist, in respect of different manufacturers in the same locality

5. Where a Controller is appointed in exercise of the power conferred by section 3, the Governor General in Council shall appoint a Committee consisting of such number of persons having knowledge of the cotton or cotton cloth trade as he thinks fit to assist the Controller with their advice in the performance of his duties. Before a Controller issues any order declaring and defining the classes of standard cloth or fixing the prices to be paid to the manufacturer, he shall consult the Committee, and he may consult the Committee on any other matter connected with his duties.

Appointment
of Advisory
Committee.

Provided that, if the opinion of the majority of members of the Committee who are present at any meeting is adverse to the issue of any order, the Controller shall, if he does not accept the Committee's advice, refer the matter for the decision of the Governor General in Council.

Manufacture and delivery of standard cloth.

6. Where, by an order made in the exercise of powers conferred by section 4, the Controller has directed a manufacturer to manufacture, or provide for the manufacture of, standard cloth and has fixed the price therefor, the manufacturer shall deliver the same at such time and place and in such manner as the Controller may specify from time to time, and the Controller shall pay or cause to be paid to the manufacturer the said price, together with the freight, if any, actually paid by the manufacturer.

Delegation of powers.

7. Subject to the control of the Governor General in Council, a Controller may, from time to time by order in writing, delegate all or any of his powers subject to such conditions and restrictions as may be prescribed therein.

Penalty for disobedience of orders under section 4.

8. If any person acts in contravention of, or without reasonable cause, fails to comply with, the provisions of any order made under section 4, or counterfeits upon any cloth a distinctive indication prescribed by the Controller, such person shall be punishable with imprisonment which may extend to six months, or with fine or with both.

Power to fix prices of standard cloth.

9. (1) The Local Government shall, if standard cloth is sold in the province, by order in writing which shall be notified in the local official gazette, fix the price at which alone standard cloth or any class of standard cloth shall be sold to the public.

(2) Orders may be made fixing different prices for different localities or for different methods of sale.

(3) Every such order shall be published in such manner as the Local Government may consider to be best adapted for bringing the prices so fixed to the notice of the poorer classes.

Limitation of sale of standard cloth.

10. (1) No person shall sell or keep, offer or expose for sale to the public, standard cloth otherwise than at such price as may be fixed by the Local Government and in accordance with the terms and conditions of a licence issued in this behalf.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment which may extend to six months, or with fine or with both.

Grant of licences for sale of standard cloth.

11. A licence for the sale of standard cloth shall be granted by such authority, in such form and subject to such conditions as the Local Government may prescribe by rules made under this Act.

1919: Act I.] *Local Authorities Pensions and Gratuities.*

12. (1) The Governor General in Council may make rules—

Rule-making power.

(a) prescribing the powers and duties of the Controller,

(b) prescribing the manner in which the Controller's orders shall be published or served, as the case may be, and

(c) generally giving effect to the provisions of this Act.

(2) The Local Government shall, if standard cloth is sold in the province, make rules prescribing the authority by which, the form in which and the conditions under which, any licence or class of licences for the sale of standard cloth shall be granted.

(3) Rules made under this Act shall be published in the Gazette of India or the local official gazette, as the case may be, and on such publication shall have effect as if enacted in this Act.

13. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Protection for acts done under the Act.

14. All powers given by this Act shall be in addition to and not in derogation of any other powers conferred by or under any enactment, and all such powers may be exercised in the same manner and by the same authority as if this Act had not been made.

Powers of Act to be cumulative.

ACT No. I of 1919.¹

[26th February, 1919]

An Act to extend the powers of local authorities in regard to the granting of pensions and gratuities.

WHEREAS it is expedient to extend the powers of local authorities in regard to the granting of pensions and gratuities; It is hereby enacted as follows:—

1. (1) This Act may be called the Local Authorities Pensions and Gratuities Act, 1919.

Short title and extent.

(2) It extends to the whole of British India, including the *Sotthal* Parganas.

¹ For Statement of Objects and Reasons see Gazette of India, 1919 Pt. V, I : and for Proceedings in Council see *ibid.*, 1919 Pt. VI, pp. 144, 145 and 127.

Definition.

2. In this Act " officer " means any person who has undertaken the service of Government and who immediately prior to undertaking such service, was paid and employed solely by a local authority and, but for undertaking such service, would in the ordinary course have continued in such employment.

Power to grant extraordinary pensions and gratuities.

3. Notwithstanding anything contained in any enactment or in any rule made thereunder regulating the powers of local authorities, and without prejudice to any powers conferred by or under any such enactment, a local authority may grant a pension or gratuity to any officer thereof who may, since the 4th day of August, 1914, have been wounded or otherwise incapacitated in the service of Government, and to the widow or child of any such officer who may have died in consequence of injuries received or illness contracted since the 4th day of August, 1914, in the course of such service.

Provision as to pensions and gratuities.

4. (1) Such pension or gratuity may be granted in addition to any pension or gratuity payable to the officer or his wife or child, as the case may be, under any general or special orders of His Majesty in Council or of the Governor General in Council, but shall not, save with the sanction of the ¹[Local Government], exceed the amount of the pension or gratuity to which the officer or his wife or child would have been entitled under any such orders if his employment by the local authority had been service for the same time and on the same pay under Government.

(2) Any pension granted under this Act may be made to take effect from such date subsequent to the 4th day of August, 1914, and subject to such conditions as the local authority may think fit.

Procedure.

5. Subject to the provisions of this Act, the decision of a local authority to grant a pension or gratuity thereunder shall be made in such manner and shall be subject to such sanction as may be prescribed by any enactment or rule regulating the grant by such local authority of pensions and gratuities :

Provided that in every case the sanction of the Local Government shall be necessary.

¹ These words were substituted by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920)

1919: Act V.] *Termination of the Present War (Definition).* 21.

1919: Act VI.] *Oaths (Amendment).*

ACT No V of 1919.¹

[19th March, 1919]

An Act to make provision to determine the date of the termination of the present war and for purposes connected therewith.

WHEREAS it is expedient to make provision to determine the date of the termination of the present war and for purposes connected therewith: It is hereby enacted as follows:—

1. This Act may be called the Termination of the Present War (Definition) Act, 1919. Short title.

2. For the purposes of any provision in any enactment or in any notification or rule issued or made thereunder, and except when the context otherwise requires, of any provision in any contract deed or other instrument referring expressly or impliedly, and in whatever form of words, to the present war or the present hostilities,— Date of termination of present war to be such as may be declared by His Majesty in Council

(1) the present war shall be treated as having continued to and as having ended on such date² as His Majesty in Council may declare in that behalf in pursuance of the provisions of the Termination of the Present War (Definition) Act, 1918, and

(2) the date of termination of war between His Majesty and any particular State shall be the date similarly declared under sub-section (3) of section 1 of the said Act

ACT No VI of 1919³

[19th March, 1919]

An Act further to amend the Indian Oaths Act, 1873.

WHEREAS it is expedient further to amend the Indian Oaths Act, 1873; It is hereby enacted as follows:—

1 This Act may be called the Indian Oaths (Amendment) Act, 1919. Short title.

¹ For Statement of Objects and Reasons see Gazette of India, 1919 Pt V, p 21, and for Proceedings in Council see *ibid* 1919 Pt VI, pp 157 and 803

² The date fixed was 31st August 1921, see Order in Council dated 10th August 1921 published under notification No 804, dated 30th August 1921. *Gazette of India*, Extraordinary, 1921, p 341, and Statutory Rules and Orders, 1921, Vol VI, p 1347

³ For Statement of Objects and Reasons see Gazette of India 1919 Pt V, p 24 and for Proceedings in Council, see *ibid*, Pt VI, pp 197 and 804

Amendment
of section 3,
Act X of
1873.

2. In section 3 of the Indian Oaths Act, 1873, after the word X of 1873, "prescribed," the words "by or under any Instruction under the Royal Sign Manual of His Majesty or" shall be inserted.

ACT No. VIII OF 1919.¹

[19th March, 1919.]

An Act further to amend the Negotiable Instruments Act, 1881.

WHEREAS it is expedient further to amend the Negotiable Instruments Act, 1881; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Negotiable Instruments (Amendment) Act, 1919.

XXVI of
1881.

Amendment
of section 9,
Act XXVI
of 1881.

2. In section 9 of the Negotiable Instruments Act, 1881 (hereinafter called the said Act), for the words "payable to, or to the order of, a payee," the words "payable to order" shall be substituted.

XXVI of
1881.

Amendment
of section 13,
Act XXVI
of 1881.

3. For sub-section (1) of section 13 of the said Act, the following sub-section shall be substituted, namely :—

"(1) A 'negotiable instrument' means a promissory note, bill of exchange or cheque payable either to order or to bearer.

Explanation (i).—A promissory note, bill of exchange or cheque is payable to order which is expressed to be so payable or which is expressed to be payable to a particular person, and does not contain words prohibiting transfer or indicating an intention that it shall not be transferable.

Explanation (ii).—A promissory note, bill of exchange or cheque is payable to bearer which is expressed to be so payable or on which the only or last indorsement is an indorsement in blank.

Explanation (iii).—Where a promissory note, bill of exchange or cheque, either originally or by indorsement, is expressed to be payable

¹ For Statement of Objects and Reasons, see Gazette of India, 1919, Pt. V, p. 27; and for Proceedings in Council, see *ibid*, 1919, Pt. VI, pp. 199, 200 and 806.

to the order of a specified person, and not to him or his order, it is nevertheless payable to him or his order at his option."

4. In section 48 of the said Act, for the words "payable to the order of a specified person, or to a specified person or order," the words "payable to order" shall be substituted. Amendment of section 48, Act XXVI of 1881.

5. In section 121 of the said Act, for the words "payable to, or to the order of, a specified person," the words "payable to order" shall be substituted. Amendment of section 121, Act XXVI of 1881.

ACT No. IX OF 1919¹

[19th March, 1919]

An Act to supplement the Punjab Courts Act, 1918.

WHEREAS it is expedient to supplement the Punjab Courts Act, 1918, It is hereby enacted as follows —

1. (1) This Act may be called the Punjab Courts (Supplementing) Act, 1919. Short title and commencement.

(2) It shall come into force on such date² as may be notified by the Governor General in Council in this behalf.

3. All suits, appeals, revisions, applications, reviews, executions and other proceedings whatsoever, whether civil or criminal, pending in the Chief Court of the Punjab, shall be continued and concluded in the High Court of Judicature at Lahore as if the same had been instituted in such High Court; and the High Court of Judicature at Lahore shall exercise the same jurisdiction in relation to all such proceedings as if the same had been instituted and continued in such High Court. Provisions regarding proceedings in the Chief Court of the Punjab.

¹ For Statement of Objects and Reasons see Gazette of India, 1919 Pt. V, p. 65, and for Proceedings in Council, see *ibid.*, 1919, Pt. VI, p. 227

² The 1st April, 1919, see Gazette of India, 1919, Pt. I, p. 710

³ By virtue of s. 3 of Act VII of 1915, s. 2 of Act IX of 1919 applies to proceedings arising out of Delhi cases, and to that extent the latter Act applies to Delhi Province for which no separate Code has been published.

ACT No. X OF 1919.¹

[20th March, 1919.]

An Act to impose a duty on excess profits arising out of certain businesses.

WHEREAS it is expedient to impose a duty on excess profits arising out of certain businesses; It is hereby enacted as follows :—

Short title
and com-
mencement;

1. (1) This Act may be called the Excess Profits Duty Act, 1919.

(2) It shall come into force on the 1st April, 1919.

Definitions;

2. In this Act, unless there is anything repugnant in the subject or context,—

“accounting period” means the twelve months ending on the 31st March, 1919, or if the accounts of the business have been made up within the said twelve months for the purpose of the ²Indian Income-tax Act, 1918, in respect of a year ending on any date other than the VII of 1918: said 31st March, then the year ending on that other date;

“business” includes any trade, commerce or manufacture, or any adventure or concern in the nature of trade, commerce or manufacture;

“Chief Revenue-authority” means the Board of Revenue or the Financial Commissioner in provinces where those authorities exist, and in any other case such authority as the Local Government may declare to be the Chief Revenue-authority for the purposes of this Act;

“prescribed” means prescribed by rules made under this Act.

All expressions used or embodied by reference in this Act which are not hereinbefore defined shall have the same meaning as is attributed to them by the ²Indian Income-tax Act, 1918. VII of 1918.

Application
of Act.

3. This Act shall apply to every business (other than the businesses specified in Schedule I) which is, during any part of the accounting period, either carried on in British India by any person or owned or carried on in any place in India by a person ordinarily resident in British India.

Imposition
of excess
profits duty.

4. Subject to the provisions of this Act, there shall, in respect of any business to which this Act applies, be charged, levied and paid on the amount by which the profits in the accounting period exceed the

¹ For Statement of Objects and Reasons, see Gazette of India, 1918, Pt. V, pp. 90 and 91; for Report of Select Committee, see *ibid*, 1919, Pt. V, pp. 53—57; and for Proceedings in Council, see *ibid*, 1919, Pt. VI, pp. 158—170, 481 and 806—827.

² See now the Indian Income-tax Act, 1922 (11 of 1922).

standard profits, a duty (in this Act referred to as "excess profits duty") of an amount equal to fifty per cent. of that excess:

Provided that the amount of the said duty shall not exceed such sum as would reduce the profits in the accounting period below thirty thousand rupees

5. The profits of a business in the accounting period shall, at the option of the person by whom the excess profits duty in respect of that business is payable, be or be deemed to be,—

Ascertainment of profits in the accounting period.

(a) the taxable income as finally ascertained for the purposes of the Indian Income-tax Act, 1918, or

(b) when the accounting period in respect of the business ends on any date other than the 31st March, 1919, and the accounts of the business are made up for an additional period ending on the said 31st March, a sum which bears the same proportion to the taxable income of the total period (such taxable income being ascertained as nearly as may be in accordance with the provisions of the said Act) as a period of one year bears to the total period.

Explanation—The profits in the accounting period shall, notwithstanding any composition in force for the purposes of the said Act, be actually ascertained in accordance with the provisions of that Act.

6. (1) The standard profits of a business shall be as follows.—

Standard profits.

(a) an amount calculated at the rate of ten per cent. or of such rate not being less than ten per cent. as may be prescribed, on the capital of the business as existing at the end of the accounting period, in which case the capital of the business shall, for the purposes of this Act, be ascertained in accordance with the provisions of Schedule II; or

(b) at the option of the person by whom excess profits duty in respect of the business is payable—

(i) if the profits of the business have been assessed in the years 1913 and 1914 for the purposes of the income-tax law then in force—the aggregate of half of the profits so assessed and half of the interest, if any, received in those years on securities forming part of the assets of the business; or

1 See now the Indian Income-tax Act, 1922 (II of 1922)

- (ii) if the profits of the business have been assessed for the said purposes in the years 1913 and 1914, and in two only of the three years 1915, 1916 and 1917—the aggregate of one-fourth of the profits so assessed and one-fourth of the interest if any received in the same four years on securities forming part of the assets of the business; or
- (iii) if the profits of the business have been assessed for the said purposes in all the five years 1913, 1914, 1915, 1916 and 1917—the aggregate of one-fourth of the profits assessed in the years 1913 and 1914 and in such two of the years 1915, 1916 and 1917 as may be selected by the said person and one-fourth of the interest, if any, received in the same four years on securities forming part of the assets of the business :

Provided that if the average capital employed in the business in the years adopted for the purpose of determining the standard profits is less or more than the capital so employed at the end of the accounting period, there shall be made to or from the standard profits an addition or a deduction, as the case may be, which shall bear to the standard profits the same proportion as such increase or decrease of capital bears to the average capital so employed in the years so adopted.

Explanation.—For the purpose of ascertaining the average capital employed, the capital employed in the business in any year shall be deemed to be the capital so employed at the end of that year :

Provided further that if the assessment in any of the said years was made in respect of a period of less than twelve months, that assessment shall, for the purpose of determining the standard profits, be proportionately increased.

(2) If a composition for income-tax was in force in any of the years 1913, 1914, 1915, 1916 and 1917, such composition shall be deemed for the purposes of clause (b) of sub-section (1) to have been the assessment, and the profits shall be determined in accordance therewith :

Provided that the person by whom excess profits duty in respect of the business is payable shall, notwithstanding any such composition, be

entitled to have an assessment of the profits of the business made for the purpose of determining the standard profits, in the same way as the assessment would have been made if no such composition had been agreed upon

(3) Each of the years referred to in sub sections (1) and (2) shall be deemed to be the twelve months commencing with the 1st of April in the year mentioned

(4) Notwithstanding anything contained in this section no increase of capital made after the 31st December, 1918 shall be taken into account in any case, and no such increase before that date shall be taken into account when it appears or to the extent to which it appears that the increase was made with intent to evade or has the effect of evading the payment of the excess profits duty

7. On the application (made in accordance with the provisions of clause (b) of sub section (2) of section 11) of any person chargeable with excess profits duty alleging that, owing to any of the following circumstances, namely —

Power to
Collector
to make
allowances
for special
circum-
stances

- (a) any change in the constitution of a partnership of which he is or was a member,
- (b) any postponement or suspension, as a consequence of the present war of renewals or repairs,
- (c) any exceptional depreciation or obsolescence (including the cost of replacement during the accounting period), due to the present war, of assets employed in the business,
- (d) the provision, in connection with the requirements of the present war, of plant or machinery which will not be required for the purposes of the business after the termination of the war,
- (e) the fact that the assets of the business consist to any material extent of shares in a company the business of which is itself chargeable to excess profits duty,
- (f) the liability of any part of the profits of the business to excess profits duty in the United Kingdom, or
- (g) any special circumstances connected with the nature of the business or the period for which any profits are ascertained or determined,

the provisions of this Act for the calculation of excess profits duty operate unfairly in his case, the Collector may make such allowances in calculating the amount of the duty as seem to him to be necessary to meet the special circumstances, provided that any such allowance shall not reduce the amount of duty payable under the provisions of the Act by more than twenty-five per cent. without the previous sanction of the Commissioner.

Appeal to
Chief
Revenue-
authority.

8. (1) If any person who has applied under section 7 is dissatisfied with the decision of the Collector on his application, he may appeal to the Chief Revenue-authority which shall, at the option of such person, either itself decide such appeal or refer it to a Board of Referees to be appointed by the Local Government. The Board shall hear and consider any appeal so referred and shall communicate its decision to the Chief Revenue-authority.

(2) The Chief Revenue-authority and the Board shall be entitled to take into account any of the circumstances specified in section 7, and to modify the decision of the Collector with reference thereto in such way and to such extent as they may consider just and equitable.

(3) Every Board of Referees appointed under this section shall consist of three or, in cases which the Local Government considers to be of difficulty or importance, of four persons. When the Board consists of four persons, the Local Government shall appoint one of the members to be Chairman. In any case at least two members of the Board shall be persons not in the service of Government and having in the opinion of the Local Government adequate business experience.

(4) In case of a difference of opinion between the members of the Board, the opinion of the majority shall prevail. When the Board consists of four members and the members are equally divided in opinion, the Chairman shall have a second or casting vote.

(5) The decision of the Chief Revenue-authority on any appeal under this section or of the Board where an appeal is referred to it shall notwithstanding any other provision of this Act be final, and shall be deemed to be the basis of assessment in the particular case.

Power of
Governor
General in
Council to
deal with
hardship in

9. (1) The Governor General in Council may, on the application made before the 30th June, 1919, of any person alleging that owing to special circumstances to be stated in the application the provisions of this Act for the calculation of excess profits duty would operate

unfairly in the case of any class of business in which such person is engaged, refer such application for the report of a Board of special Referees to be appointed in this behalf by the Governor General in Council

(2) Every Board appointed under this section shall consist of four persons, of whom at least two shall be persons not in the service of Government. The Governor General in Council shall appoint one member to be Chairman.

(3) On receipt of the report of the Board, the Governor General in Council shall consider the same and pass thereon such orders as he thinks fit. Any such order may vary the basis or method of assessment in respect of the class of business so reported on and any variations so made shall be deemed to be modifications of this Act in respect of the matters to which they relate, and this Act shall apply accordingly.

10. Every liquidator of a company which is being wound up at the commencement of this Act or is wound up after the commencement of this Act and which is chargeable to excess profits duty shall, before the 31st May, 1919, or within two months of the commencement of the winding up, as the case may be, give notice of the fact to the Collector.

11. (1) The Collector may, for the purposes of this Act, require any person whom he believes to be engaged in any business to which this Act applies or to have been so engaged during the accounting period or in the year ending on the 31st March, 1912, or on the 31st March in any year thereafter, to furnish him, within two months after service upon him of a notice to that effect, with such particulars in connection with the business as the Collector may require.

(2) At the time of furnishing such particulars such person shall—

(a) state the method which he desires to be adopted for the purpose of—

(i) ascertaining the profits of the business in the accounting period under section 5, and

(ii) determining the standard profits under section 6, and

(b) make any application which he desires to make under section 7 for an allowance in the calculation of the amount of the excess profits duty.

(3) Where any person fails, without reasonable cause or excuse, to comply with the provisions of clause (a) of sub-section (2), the Collector

shall proceed to ascertain the profits of the accounting period and to determine the standard profits by such method provided in this Act as he thinks fit.

Penalty.

12. If a person fails, without reasonable cause or excuse, to give to the Collector in due time any notice required by section 10 or to furnish any particulars referred to in section 11, he shall on conviction by a Magistrate be punishable with fine which may extend to thirty rupees for every day during which the default continues.

Assessment.

13. The amount of excess profits duty to be paid in respect of any business shall be assessed by the Collector, who may in any case where he thinks fit allow the duty to be paid in instalments of such amounts payable at such times as he may direct.

Person liable to be assessed.

14. The duty may be assessed on any person for the time being owning or carrying on the business whether as agent for the owner or otherwise or, where the business has ceased during the accounting period, on the person who owned or so carried on the business immediately before the time at which the business ceased, and where there has been a change of ownership of the business during the accounting period, the Collector shall make the assessment in the prescribed manner.

Application of provisions of Act VII of 1918.

15. The provisions of sections 20, 21, 22, 23, 24, 26, 27, and of Chapters IV and V and of sections 42, 45, 46, 47 and 49 to 52 of the ¹Indian Income-tax Act, 1918, shall apply, with such modifications, if ^{VII of 1918} any, as may be prescribed, as if the said provisions referred to excess profits duty instead of to income-tax, and every officer or authority exercising powers under the said provisions may exercise the like powers under this Act in regard to excess profits duty as he or it exercises in regard to income-tax under the said Act :

Provided that references in the said provisions to the assessee shall be construed as references to a person by whom excess profits duty is payable.

Income-tax papers to be available for the purposes of this Act.

16. Notwithstanding anything contained in the ¹Indian Income-tax Act, 1918, or in any Act repealed thereby, all information contained in ^{VII of 1918} any statement or return made or furnished under the provisions of any of the said Acts or obtained or collected for the purposes of any such Act may be used for the purposes of this Act.

¹ See now the Indian Income-tax Act, 1922 (11 of 1922).

17. (1) A person shall not for the purposes of avoiding payment of excess profits duty enter into a fictitious or artificial transaction or carry out any fictitious or artificial operation, and if he has entered into any such transaction or carried out any such operation before the commencement of this Act shall inform the Collector of the nature of the transaction or operation

prohibition
of and
penalty for
fictitious

Explanation—For the purposes of this section an artificial transaction or operation includes every device of whatever nature adopted for the purposes of presenting the accounts of a business in a misleading form or manner with intent to evade or having the effect of evading any obligation imposed by this Act

(2) If any person acts in contravention of, or fails without reasonable cause or excuse to comply with, the provisions of sub section (1), he shall on conviction by a Magistrate be punishable with fine which may extend to one thousand rupees

18 (1) The Governor General in Council may, by notification in the Gazette of India, make rules for carrying into effect the provisions of this Act

power to
make

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the rate to be allowed in respect of any business or class of business for the purpose of clause (a) of sub section (1) of section 6,

(b) the procedure to be followed by Boards of Referees appointed under this Act;

(c) the basis and method of assessment when there has been a change of ownership during any period which can be selected for the purpose of determining standard profits, or during any subsequent period prior to the commencement of this Act; and

(d) the adaptation to excess profits duty of any of the provisions of the Indian Income tax Act, 1918, which are made applicable to that duty by section 15

1 of 1918

(3) All rules made under this section shall have effect as if enacted in this Act

Excess
profits
duty and
super-tax to
be alter-
nately
chargeable.

19. Where the profits of any business in the accounting period are chargeable to excess profits duty under the provisions of this Act and to super-tax under the provisions of the ¹Super-tax Act, 1917, then—

VIII of
1917.

(1) if the amount chargeable as excess profits duty exceeds that chargeable as super-tax, excess profits duty shall alone be charged, and

(2) if the amount chargeable as super-tax exceeds that chargeable as excess profits duty, super-tax shall alone be charged, and the provisions of this Act and the ¹Super-tax Act, 1917, shall be construed accordingly.

VIII of
1917.

Excess
profits duty
an allowance
for the pur-
poses of Act
VII of 1918.

20. The amount of excess profits duty paid in respect of any business shall be allowed as a deduction at the adjustment made in the year ending on the 31st March, 1920, in respect of the profits of that business for the purposes of section 19 of the ¹Indian Income-tax Act, 1918 : VII of 19

Provided that, if the amount of excess profits duty payable has not been ascertained at the time when the said adjustment is made, the amount by which the income-tax would have been reduced if effect had been given to the deduction shall be deducted from the amount payable for excess profits duty.

SCHEDULE I.

EXCEPTED BUSINESSES.

(See section 3.)

1. Any business the income from which is agricultural income.

2. Offices or employments.

3. Any profession the profits of which are dependent mainly on the personal qualifications of the person by whom the profession is carried on, and in which no capital expenditure is required or only capital expenditure of an amount which is small when compared with the profits which the person carrying on the profession makes :

Provided that the business of any person taking commissions in respect of any transactions or services rendered, or any agent of any description (not being a whole-time officer or servant of the business or a commercial traveller, or an agent whose remuneration consists wholly

¹ See now the Indian Income-tax Act, 1922 (11 of 1922).

of a fixed and definite sum not dependent on the amount of business done or any other contingency) shall not be included in this exception

4 Any business which is liable to pay in respect of the accounting period excess profits duty in the United Kingdom

5 Any business of which the profits in the accounting period do not exceed thirty thousand rupees

SCHEDULE II

ASCERTAINMENT OF CAPITAL

(See section 6)

1 The amount of the capital of a business shall, so far as it does not consist of money, be taken to be—

(a) so far as it consists of assets acquired by purchase, the price at which these assets were acquired, subject to any proper deduction for depreciation or for unpaid purchase money,

(b) so far as it consists of assets being debts due to the business, the nominal amount of those debts subject to any reduction which has been allowed or is allowable in respect of those debts under the Indian Income tax Act, 1918, and

(c) so far as it consists of any other assets which have not been acquired by purchase, the value of the assets at the time when they became assets of the business, subject to any proper deduction for depreciation

Provided that nothing in this provision shall prevent accumulated profits (other than those made in the accounting period) employed in the business being treated as capital

2 Any borrowed money or trade debts shall be deducted in computing the amount of capital for the purposes of this Act

3 Where any asset has been paid for otherwise than in cash, the cost price of that asset shall be taken to be the value of the consideration at the time the asset was acquired, but where the business has been converted into a company and more than two-thirds of the shares in the company are held by the person who was the owner of the business no value shall be attached to those shares, so far as they are represented by good will or otherwise than by material assets of the company, unless the Collector in special circumstances otherwise directs. Patents and secret processes shall be deemed to be material assets

¹ See now the Indian Income-tax Act, 1922 [11 of 1922]

Excess profits duty and super-tax to be alternately chargeable.

19. Where the profits of any business in the accounting period are chargeable to excess profits duty under the provisions of this Act and to super-tax under the provisions of the ¹Super-tax Act, 1917, then—

(1) if the amount chargeable as excess profits duty exceeds that chargeable as super-tax, excess profits duty shall alone be charged, and

(2) if the amount chargeable as super-tax exceeds that chargeable as excess profits duty, super-tax shall alone be charged, and the provisions of this Act and the ¹Super-tax Act, 1917, shall be construed accordingly.

VIII of 1917.

VIII of 1917.

Excess profits duty an allowance for the purposes of Act VII of 1918.

20. The amount of excess profits duty paid in respect of any business shall be allowed as a deduction at the adjustment made in the year ending on the 31st March, 1920, in respect of the profits of that business for the purposes of section 19 of the ¹Indian Income-tax Act, 1918 : VII of 1918.

Provided that, if the amount of excess profits duty payable has not been ascertained at the time when the said adjustment is made, the amount by which the income-tax would have been reduced if effect had been given to the deduction shall be deducted from the amount payable for excess profits duty.

SCHEDULE I.

EXCEPTED BUSINESSES.

(See section 3.)

1. Any business the income from which is agricultural income.

2. Offices or employments.

3. Any profession the profits of which are dependent mainly on the personal qualifications of the person by whom the profession is carried on, and in which no capital expenditure is required or only capital expenditure of an amount which is small when compared with the profits which the person carrying on the profession makes :

Provided that the business of any person taking commissions in respect of any transactions or services rendered, or any agent of any description (not being a whole-time officer or servant of the business or a commercial traveller, or an agent whose remuneration consists wholly

¹ See now the Indian Income-tax Act, 1922 (11 of 1922).

of a fixed and definite sum not dependent on the amount of business done or any other contingency shall not be included in this exception

4 Any business which is liable to pay in respect of the accounting period excess profits duty in the United Kingdom

5 Any business of which the profits in the accounting period do not exceed thirty thousand rupees

SCHEDULE II

ASCERTAINMENT OF CAPITAL

(See section 6)

1 The amount of the capital of a business shall so far as it does not consist of money, be taken to be—

(a) so far as it consists of assets acquired by purchase, the price at which these assets were acquired, subject to any proper deduction for depreciation or for unpaid purchase money,

(b) so far as it consists of assets being debts due to the business, the nominal amount of those debts subject to any reduction which has been allowed or is allowable in respect of those debts under the Indian Income tax Act, 1918 and

(c) so far as it consists of any other assets which have not been acquired by purchase the value of the assets at the time when they became assets of the business, subject to any proper deduction for depreciation

Provided that nothing in this provision shall prevent accumulated profits (other than those made in the accounting period) employed in the business being treated as capital

2 Any borrowed money or trade debts shall be deducted in computing the amount of capital for the purposes of this Act

3 Where any asset has been paid for otherwise than in cash, the cost price of that asset shall be taken to be the value of the consideration at the time the asset was acquired, but where the business has been converted into a company and more than two-thirds of the shares in the company are held by the person who was the owner of the business no value shall be attached to those shares, so far as they are represented by good will or otherwise than by material assets of the company, unless the Collector in special circumstances otherwise directs. Patents and secret processes shall be deemed to be material assets

¹ See now the Indian Income-tax Act 1922 (11 of 1922)

ACT No. XII of 1919.¹

[3rd September, 1919.]

An Act to consolidate and amend the law regulating the importation, possession and sale of poisons throughout British India.

WHEREAS it is expedient to consolidate and amend the law regulating the importation, possession and sale of poisons throughout British India; It is hereby enacted as follows :—

Short title
and extent.

1. (1) This Act may be called the Poisons Act, 1919.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

Power of the
Local
Government
to regulate
possession
for sale and
sale of any
poison.

2. (1) Subject to the control of the Governor General in Council, the Local Government may by rule² regulate within the whole or any part of the territories under its administration the possession for sale and the sale, whether wholesale or retail, of any specified poison.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the grant of licences to possess any specified poison for sale, wholesale or retail, and the fixing of the fee (if any) to be charged for such licences;

(b) the classes of persons to whom alone such licences may be granted;

(c) the classes of persons to whom alone any such poison may be sold;

(d) the maximum quantity of any such poison which may be sold to any one person;

(e) the maintenance by vendors of any such poison of registers of sales, the particulars to be entered in such registers, and the inspection of the same;

(f) the safe custody of such poisons and the labelling of the vessels, packages or coverings in which any such poison is sold or possessed for sale; and

¹ For Statement of Objects and Reasons, see Gazette of India, 1919, Pt. V, p. 22, and for Proceedings in Council, see *ibid*, 1919, Pt. VI, pp. 170 and 872.

² For such rules for Madras, see Madras Rules and Orders, 1923, Vol. I, Pt. II, p. 287; for Assam, see Assam Gazette, 1921, Pt. II, p. 530; for Delhi, see Gazette of India, 1926, Pt. JIA, p. 481 and *ibid*, 1923, Pt. IIA, p. 61.

- (g) the inspection and examination of any such poison when possessed for sale by any such vendor.

3. The Governor General in Council may, by notification in the Gazette of India, prohibit, except under and in accordance with the conditions of a licence, the importation into British India of any specified poison, and may by rule regulate the grant of licences

Power to prohibit importation into British India of any poison except under licence.

4. (1) The Local Government, [subject to the control] of the Governor General in Council, may by rule regulate the possession of any specified poison in any local area in which the use of such poison for the purpose of committing murder or mischief by poisoning cattle appears to it to be of such frequent occurrence as to render restrictions on the possession thereof desirable

Power to regulate possession of any poison in certain areas

(2) In making any rule under sub-section (1), the Local Government may direct that any breach thereof shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both, together with confiscation of the poison in respect of which the breach has been committed, and of the vessels, packages or coverings in which the same is found.

5. Any substance specified as a poison in a rule made or notification issued under this Act shall be deemed to be a poison for the purposes of this Act.

Presumption as to specified poisons.

6. (1) Whoever—

(a) commits a breach of any rule made under section 2, or

(b) imports into British India without a licence any poison the importation of which is for the time being restricted under section 3, or

(c) breaks any condition of a licence for the importation of any poison granted to him under section 3,

Penalty for unlawful importation, etc.

shall be punishable,—

(i) on a first conviction, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both, and

¹ These words were substituted for the words "with the previous sanction" by s. 2 and Sch. I of the Defence of India Act, 1929 (No. 1 of 1929), *vide*

(ii) on a second or subsequent conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) Any poison in respect of which an offence has been committed under this section, together with the vessels, packages or coverings in which the same is found, shall be liable to confiscation.

Power to
issue search
warrants.

7. (1) The District Magistrate, the Sub-divisional Magistrate and, in a Presidency-town, the Commissioner of Police, may issue a warrant for the search of any place in which he has reason to believe or to suspect that any poison is possessed or sold in contravention of this Act or any rule thereunder, or that any poison liable to confiscation under this Act is kept or concealed.

(2) The person to whom the warrant is directed may enter and search the place in accordance therewith, and the provisions of the Code of Criminal Procedure, 1898, relating to search-warrants shall, V of 1898 as far as may be, be deemed to apply to the execution of the warrant.

Rules.

8. (1) In addition to any other power to make rules hereinbefore conferred ¹[and] subject to the control of the Governor General in Council, the Local Government may make rules generally to carry out the purposes and objects of this Act.

(2) Every power to make rules conferred by this Act shall be subject to the condition of the rules being made after previous publication.

(3) All rules made by the Governor General in Council or by the Local Government under this Act shall be published in the Gazette of India or the local official Gazette, as the case may be, and on such publication shall have effect as if enacted in this Act.

Savings.

9. (1) Nothing in this Act or in any licence granted or rule made thereunder shall extend to, or interfere with, anything done in good faith in the exercise of his profession as such by a medical or veterinary practitioner.

(2) Notwithstanding anything hereinbefore contained, the Local Government may in its discretion by general or special order declare that all or any of the provisions of this Act shall be deemed not to

¹ This word was substituted for the words "the Governor General in Council, or" by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920), *infra*.

1919: Act XIII] *Sea Customs (Amendment)*

apply to any article or class of articles of commerce specified in such order, or to any poison or class of poisons used for any purpose so specified

(3) The authority on which any power to make rules under this Act is conferred may, by general or special order, either wholly or partially—

(a) exempt from the operation of any such rules, or

(b) exclude from the scope of the exemption provided by subsection (1),

any person or class of persons either generally or in respect of any poisons specified in the order

10 [*Repeal of Act 1 of 1904*] *Repealed by the Repealing Act 1927 (12 of 1927)*

ACT No XIII of 1919¹

[17th September, 1919]

An Act further to amend the Sea Customs Act, 1878

WHEREAS it is expedient further to amend the Sea Customs Act, 1878, It is hereby enacted as follows —

1 This Act may be called the Sea Customs (Amendment) Act, 1919

2 Section 193 of the Sea Customs Act 1878 shall be re-numbered section 193 (1) and to the same section the following subsection shall be added namely —

of rect on
193 Act
VIII of
1878

(2) In the case of goods which consist of drugs or articles intended for consumption as food, and in respect of which the taking of samples for the purposes of this subsection may have been authorised by general or special order of the Local Government, the Customs collector may also in like circumstances take samples thereof for submission to, and examination by, such officer of Government or of a local authority as may be specified in such order. The real value of all such samples shall be paid to the owner by the Customs collector "

¹ For Statement of Objects and Reasons see Gazette of India, 1919, L. V. p. 47, and for Enactment in C. J., see ibid., 1919, Pt. VI, pp. 572 and 1101

[17th September, 1919.]

An Act further to amend the Land Acquisition Act, 1894.

WHEREAS it is expedient further to amend the Land Acquisition Act, 1894; It is hereby enacted as follows :—

I of 1894.

Short title.

1. This Act may be called the Land Acquisition (Amendment) Act, 1919.

Amendment
of section 3,
Act I of
1894.

2. To clause (c) of section 3 of the Land Acquisition Act, 1894, I of 1894. the following shall be added, namely :—“and includes a society registered under the Societies Registration Act, 1860, and a registered XXI of 1860. society within the meaning of the Co-operative Societies Act, 1912.” II of 1912.

ACT No. XVIII of 1919.²

[17th September, 1919.]

An Act to amend certain enactments and to repeal certain other enactments.

WHEREAS it is expedient that certain formal amendments should be made in the enactments specified in the First Schedule;

And whereas it is also expedient that certain enactments specified in the Second Schedule which are spent, or have ceased to be in force otherwise than by express specific repeal, or have by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed;

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Repealing and Amending Act, 1919.

Amendment
of certain
enactments.

2. The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

3. [Repeal of certain enactments.] Repealed by the Repealing Act, 1927 (12 of 1927).

4. [Savings.] Repealed by the Repealing Act, 1927 (12 of 1927).

¹ For Statement of Objects and Reasons, see Gazette of India, 1919, Pt. V, p. 77; and for Proceedings in Council, see *ibid*, 1919, Pt. VI, pp. 878 and 1102.

² For Statement of Objects and Reasons, see Gazette of India, 1919, Pt. V, p. 86; and for Proceedings in Council, see *ibid*, 1919, Pt. VI, pp. 879 and 1102.

THE FIRST SCHEDULE.

AMENDMENTS.

(See section 2.)

1 Year.	2 No.	3 Short title	4 Amendments
1869	IV	The Indian Divorce Act, 1869.	In clause (1) of section 3, for the words "Chief Court of the Punjab" the words "High Court of Judicature at Lahore" shall be substituted.
1870	VII	The Court fees Act, 1870.	In Article 13 of schedule I for the words "Chief Court in the Punjab" the words "High Court of Judicature at Lahore" shall be substituted.
1872	I	The Indian Evidence Act, 1872.	In section 1, after the words "Courts martial" the words "other than Courts martial convened under the Army Act" shall be inserted.
1887	XVI	The Punjab Tenancy Act, 1887.	In sections 84, 90, 100 and 105, for the words "Chief Court" wherever those words occur in the said section the words "High Court" shall be substituted.
1887	XVII	The Punjab Land revenue Act, 1887.	In clauses (d) and (e) of sub-section (2) of section 117, for the words "Chief Court" the words "High Court" shall be substituted.
1890	IX	The Indian Railways Act, 1890.	In sub-section (2) of section 26, for the words "in the case of the Chief Court of the Punjab, the Senior Judge or, in the case of the Court of the Recorder of Haroon, the Chief Commissioner of Burma" the words "in the case of the Chief Court of Lower Burma, the Chief Judge" shall be substituted. For sub-section (2) of section 31, the following shall be substituted, namely:— "(2) Subject to the provisions of sub-section (1), an appeal shall be from an order of the Commissioners to the High Court of which, the Law Commissioner was a member."

¹ The entry relating to Act 10 of 1903 was repealed by s. 372 and Sch. IX of the Indian Succession Act, 1925 (22 of 1925).

² The entry relating to Act 5 of 1903 was repealed by s. 372 and Sch. IX of the Indian Succession Act, 1925 (22 of 1925).

(The First Schedule.—Amendments.)

1 Year.	2 No.	3 Short title.	4 Amendments.
1897	X	The General Clauses Act, 1897.	<p>Section 8 shall be re-numbered section 8 (1), and to the said section the following sub-section shall be added, namely :—</p> <p>“(2) Where any Act of Parliament repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any Act of the Governor General in Council or in any Regulation or instrument to the provision so repealed shall, unless a different intention appears, be construed as references to the provision so re-enacted.”</p> <p>After section 13 the following section shall be inserted, namely :—</p> <p>“13A. In all Acts of the Governor General in Council References to the Sovereign. and Regulations references to the Sovereign or to the Crown shall, unless a different intention appears, be construed as references to the Sovereign for the time being.”</p> <p>In sub-section (1) of section 14, the words “on the Government” shall be omitted, and after the word “then” the words “unless a different intention appears” shall be inserted.</p>
1898	V	The Code of Criminal Procedure, 1898.	In clause (j) of sub-section (1) of section 4, the word “and” where it occurs between the words “Allahabad” and “Patna” shall be omitted, and for the words “the Chief Court of the Punjab” the words “and Lahore” shall be substituted.
1899	II	The Indian Stamp Act, 1899.	In clause (c) of sub-section (1) of section 57, for the words “Chief Court of the Punjab” the words “High Court of Judicature at Lahore” shall be substituted.
1900	XIII	The Punjab Alienation of Land Act, 1900.	In sub-sections (2) and (3) of section 21A, for the words “Chief Court” the words “High Court” shall be substituted.
1908	V	The Code of Civil Procedure, 1908.	In section 122, for the words “Chief Courts of the Punjab and Lower Burma” the words “Chief Court of Lower Burma” shall be substituted.

(The First Schedule.—Amendments)

1 Year.	2 No.	3 Short title.	4 Amendments.
1908	V	The Code of Civil Procedure, 1908—contd.	In sub-section (1) of section 123, for the words "Chief Courts" the words "of the Chief Court" shall be substituted. In clause (a) of sub-section (2) of section 123, for the words and brackets "(in the Punjab or Burma)" the words and brackets "(in Burma)" shall be substituted.
1908	IX	The Indian Limitation Act, 1908.	In Article 154 of the First Schedule, for the entry in the third column the following shall be substituted, namely:— "When the award is filed in Court and notice of the filing has been given to the parties."
.			
1911	VIII	The Indian Army Act, 1911	For section 67 the following section shall be substituted, namely:— "67. No trial by a court-martial of any person subject to this Act for any offence shall be commenced after the expiration of three years from the date of such offence unless the trial of such offender could not, by reason of absence or some other manifest impediment, be commenced within that period; in which case the trial may be commenced at any time not exceeding two years after such impediment has ceased."
1913	II	The Official Trustees Act, 1913.	In section 9, for the words "such testator" the words "the testator" shall be substituted.
1915	VII	The Delhi Laws Act, 1915 .	In the proviso to section 3, for the words "Chief Court of the Punjab" the words "High Court of Judicature at Lahore" shall be substituted.
.			

[THE SECOND SCHEDULE.][Repeals.] *Repealed by the Repealing Act, 1922 (12 of 1922).*

The entry relating to Act 15 of 1910 was repealed by Act XX and Sch. VI of The Government Act, 1924 (2 of 1924).

The entry relating to the Indian Income-tax Act, 1912 (7 of 1912), was repealed by Act 42 and Sch. of the Indian Income-tax Act, 1922 (11 of 1922), 1922.

ACT No. XIX OF 1919.¹

[17th September, 1919.]

An Act further to amend the Indian Tariff Act, 1894.

WHEREAS it is expedient further to amend the Indian Tariff Act, 1894; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Indian Tariff (Amendment) Act, 1919.

VIII of 1894.

Amendment
of section
10, Act
VIII of 1894.

2. In clause (a) of section 10 of the Indian Tariff Act, 1894 (herein-^{VIII of 1894.} after referred to as the said Act), after the words "as the case may be," the words "or any part thereof," shall be inserted; and for the words "equivalent to the duty" the words "equivalent to the amount paid in respect of such duty" shall be substituted.

Amendment
of Schedule
III, Act
VIII of
1894.

3. In Schedule III of the said Act, items 3 and 4 shall be re-numbered 4 and 5, respectively, and after item 2, the following item shall be inserted, namely:—

	"HIDES & SKINS.		
3	RAW HIDES and SKINS.	Ad valo- rem.	15 per cent. Provided that, subject to such conditions as the Governor General in Council may by notification in the Gazette of India prescribe, a rebate shall be granted to the exporter of two-thirds of the duty levied on hides or skins exported to any part of His Majesty's dominions or of the territories of any Indian Prince or Chief under the suzerainty of His Majesty or of any territories under the protection of His Majesty or in respect of which a mandate of the League of Nations is exercised by the Government of any part of His Majesty's dominions."

ACT No. XX OF 1919.²

[24th September, 1919.]

An Act further to amend the Indian Arms Act, 1878.

WHEREAS it is expedient further to amend the Indian Arms Act, 1878; It is hereby enacted as follows:—

XI of 1878.

Short title
and com-
mencement.

1. (J) This Act may be called the Indian Arms (Amendment) Act, 1919.

¹ For Statement of Objects and Reasons, see Gazette of India, 1919, Pt. V, p. 98; and for Proceedings in Council, see *ibid*, 1919, Pt. VI, pp. 945 and 1103.

² For Statement of Objects and Reasons, see Gazette of India, 1919, Pt. V, p. 99; and for Proceedings in Council, see *ibid*, 1919, Pt. VI, pp. 955 and 1322.

(2) It shall come into force on the first day of January, 1920

2. For section 16 of the Indian Arms Act, 1878, the following section shall be substituted, namely —

*Substitution
of a new
section for
section 16,
Act XI of
1878*

"16 (1) Any person possessing arms, ammunition or military stores the possession whereof has, in consequence of the cancellation or expiry of a licence or of an exemption or by the issue of a notification under section 15 or otherwise, become unlawful, shall without unnecessary delay deposit the same either with the officer in charge of the nearest police station or at his option and subject to such conditions as the Local Government may by rule prescribe with a licensed dealer

*In certain
cases arms to
be deposited
at police
stations or
with
licensed
dealers*

(2) When arms ammunition or military stores have been deposited under sub section (1) or before the first day of January, 1920, under the provisions of any law for the time being in force the depositor shall at any time before the expiry of such period as the Local Government may by rule prescribe, be entitled—

(a) to receive back anything so deposited the possession of which by him has become lawful, and

(b) to dispose, or authorize the disposal, of anything so deposited by sale or otherwise to any person whose possession of the same would be lawful and to receive the proceeds of any such sale

Provided that nothing in this sub section shall be deemed to authorize the return or disposal of anything the confiscation of which has been directed under section 24

(3) All things deposited as aforesaid and not returned or disposed of under sub section (2) within the prescribed period therein referred to shall be forfeited to His Majesty

(4) (a) The Local Government may make rules consistent with this Act for carrying into effect the provisions of this section

(b) In particular and without prejudice to the generality of the foregoing provision the Local Government may by rule prescribe—

(i) the conditions subject to which arms ammunition and military stores may be deposited with a licensed dealer, and

(ii) the period after the expiry of which things deposited as aforesaid shall be forfeited under subsection (3) "

ACT No. XXI OF 1919.¹

[24th September, 1919.]

An Act further to amend the Indian Coinage Act, 1906.

WHEREAS it is expedient further to amend the Indian Coinage Act, III of 1906, 1906; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Indian Coinage (Amendment) Act, 1919,

Amendment
of section 4,
Act III of
1906.

2. In section 4 of the Indian Coinage Act, 1906 (hereinafter referred to as the said Act), the words "or eight-anna piece," and the words "or four-anna piece," in clauses (b) and (c), respectively, shall be omitted.

Amendment
of section 6,
Act III of
1906.

3. In section 6 of the said Act, for the words "a two-anna piece and a one-anna piece" the words "an eight-anna, a four-anna, a two-anna, and a one-anna piece" shall be substituted.

Amendment
of section 7,
Act III of
1906.

4. In section 7 of the said Act, for the words "two-anna and one-anna pieces shall be ninety and sixty grains Troy, respectively," the words "eight-anna, four-anna, two-anna and one-anna pieces shall be one hundred and twenty, one hundred and five, ninety, and sixty grains Troy, respectively," shall be substituted.

Amendment
of section
13, Act III
of 1906.

5. In section 13 of the said Act, for the words "The two-anna," the words "The eight-anna, four-anna, two-anna" shall be substituted, and after the words "at the rate of " the words "two, four," shall be inserted.

Amendment
of the head-
ing to
section 16
and of
section 20,
Act III of
1906.

6. (1) In the heading to section 16 of the said Act, the word "Silver" shall be omitted.

(2) In section 20 of the said Act, after the word "Silver" where it first occurs the words "or nickel," and after the word "or" where it occurs for the last time the words "in the case of silver coin," shall be inserted.

¹ For Statement of Objects and Reasons, see Gazette of India, 1919, Pt. V, p. 92; and for Proceedings in Council, see *ibid.* 1919, Pt. VI, pp. 939 and 1322.

[24th September, 1919]

WHEREAS it is expedient to amend the Cinematograph Act 1918;
It is hereby enacted as follows —

2. For subsection (3) of section 1 of the Cinematograph Act, Amendment of section 1, 1918 (hereinafter referred to as the said Act) the following sub section Act II of 1919 shall be substituted, namely —

3 In subsection (2) of section 5 of the said Act, for the words "the prescribed authority" the words and figure "an authority constituted under section 7" shall be substituted.

“7 (1) Any Local Government authorized in this behalf by the Governor General in Council may, by notification in the local official Gazette, constitute as many authorities as it may think fit for the purposes of examining and certifying films as suitable for public exhibition and declare the area thereafter referred to as the ‘local area’ within which each such authority shall exercise the powers conferred on it by this Act. Where an authority so constituted consists of a Board of two or more persons not more than a half of the members thereof shall be persons in the service of Government.”

(2) If any such authority after examination considers that a film is suitable for public exhibition, it shall grant a certificate to that effect to the person applying for the same and shall cause the film to be

marked in the prescribed manner. The certificate of any such authority shall, save as hereinafter provided, be valid throughout the territories in which this Act is in force.

(3) (a) If the authority is of opinion that a film is not suitable for public exhibition in the local area, it shall inform the person applying for the certificate of its decision, and such person may, within thirty days from the date of such decision, appeal for a reconsideration of the matter by the Local Government by which the authority was constituted.

(b) If the Local Government rejects the appeal it shall, by notification in the local official Gazette, direct that the film shall be deemed to be an uncertified film in that local area, and such direction shall have effect notwithstanding the subsequent grant of a certificate in respect of the film by any other such authority.

(4) Any such authority may demand the exhibition before itself of any certified film which it has reason to believe is about to be publicly exhibited in its local area, and may by order suspend the certificate of any such film pending the orders of the Local Government and during such suspension the film shall be deemed to be an uncertified film in that area.

(5) The District Magistrate, or, in a Presidency-town or in the town of Rangoon, the Commissioner of Police, may by order suspend the certificate of any film pending the orders of the Local Government, and during such suspension the film shall be deemed to be an uncertified film in that district or town.

(6) A copy of any order of suspension made under sub-section (4) or (5), together with a statement of reasons therefor, shall forthwith be forwarded by the authority or the officer making the same to the Local Government by which the authority was constituted or to which the officer is subordinate, as the case may be, and such Local Government may, in its discretion, either discharge the order or, by notification in the local official Gazette, direct that the film shall be deemed to be an uncertified film in the whole or any part of the Province.

(7) A Local Government may, of its own motion, by notification in the local official Gazette, direct that a certified film shall be deemed to be an uncertified film in the whole or any part of the Province. -

(8) The exhibition of a film to which any order or direction under clause (b) of sub-section (3) or sub-section (4), (5), (6) or (7), is for the time being applicable shall, in the area to which such order or direction relates, be deemed to be a contravention of the condition mentioned in sub-section (2) of section 5."

5 In section 8 of the said Act—

Amendment
of section 8,
Act II of
1918

(1) at the end of clause (b) of sub-section (2) the word "and" shall be omitted, and after the same clause, the following clause shall be inserted, namely :—

"(bb) the appointment of officers subordinate to authorities constituted under section 7 and the regulation of the powers and duties of such officers; and"; and

(2) for sub-section (3) the following sub-section shall be substituted, namely :—

"(3) The Governor General in Council may delegate to a Local Government, subject to such conditions and restrictions as he may impose, the power to make rules regarding all or any of the matters mentioned in sub-section (2) so far as regards the territories subject to that Government."

ACT No XXVII of 1919

[25th September, 1919]

An Act to indemnify officers of Government and other persons in respect of certain acts done under martial law, and to provide for other matters in connection therewith.

WHEREAS owing to the recent disorders in certain districts in the Punjab and in other parts of India, martial law has been enforced;

And where as it is expedient to indemnify officers of Government and other persons in respect of acts, matters and things ordered or done or [purporting to have been ordered or done for the purpose of maintaining

The Statement of Objects and Reasons see Gazette of India, 1919 Pt. V, p. 1161 and for Proceedings in Council see ibid., 1919 Pt. VI, pp. 1121, 1122 and 1126

or restoring order, provided that such acts, matters or things were ordered or done in good faith and in a reasonable belief that they were necessary for the said purposes;

And whereas certain persons have been convicted by courts and other authorities constituted or appointed under martial law, and it is expedient to confirm and provide for the continuance of certain sentences passed by such courts or authorities;

It is hereby enacted as follows:—

Short title.]

1. This Act may be called the Indemnity Act, 1919.

Indemnity
of Govern-
ment officer
and other
person for
certain acts.

2. No suit or other legal proceeding whatsoever, whether civil or criminal, shall lie in any court of law against any officer of Government, whether civil or military, or against any other person acting under the orders of any such officer for or on account of or in respect of any act, matter or thing ordered or done or purporting to have been ordered or done for the purpose of maintaining or restoring order in any part of British India where martial law was enforced, on or after the 30th of March, 1919, and before the 26th of August, 1919, by any such officer or person; provided that such officer or person has acted in good faith and in a reasonable belief that his action was necessary for the said purposes;

and if any such proceeding has been instituted before the passing of this Act it is hereby discharged.

Rules of
evidence.

3. For the purposes of section 2 a certificate of a Secretary to Government that any act was done under the orders of an officer of Government shall be conclusive proof thereof, and all action taken for the aforesaid purposes shall be deemed to have been taken in good faith and in a reasonable belief that it was necessary therefor unless the contrary is proved.

Confirmation
and continu-
ance of
martial law
sentences.

4. Every person confined under and by virtue of any sentence passed by a court or other authority constituted or appointed under martial law and acting in a judicial capacity shall be deemed to have been lawfully confined and shall continue liable to confinement until the expiration of such sentence or until released by the Governor General in Council or otherwise discharged by lawful authority.

5. Where under martial law the property of any person has been taken or used by any officer of Government, whether civil or military, the Governor General in Council shall pay to such person reasonable compensation for any loss immediately attributable to such taking or using, to be assessed upon failure of agreement by a person holding judicial office not inferior to that of a District Judge to be appointed by the Government in this behalf

Compensation in respect of loss attributable to certain acts.

6 Nothing in this Act shall—

Savings.

(a) apply to any sentence passed or punishment inflicted by or under the orders of any Commission appointed under the Martial Law Ordinance, 1919.

(b) be deemed to bar a full and unqualified exercise of His Majesty's pleasure in receiving or rejecting appeals to His Majesty in Council or to affect any question or matter to be decided therein, or

(c) prevent the institution of proceedings by or on behalf of the Government against any person in respect of any matter whatsoever.

ACT No II of 1920¹

[11th February, 1920]

An Act further to amend the Indian Army Act, 1911.

WHEREAS it is expedient further to amend the Indian Army Act, 1911, It is hereby enacted as follows —

1 This Act may be called the Indian Army (Amendment) Act, 1920. *Short title*

2 In section 116 of the Indian Army Act, 1911, after the words "becoming insane" the following shall be added, namely — *Amend. of section 116, Act VIII of 1911.*

"or, who, being on active service, is officially reported missing."

Provided that, in the case of a person so reported missing, no action shall be taken under sub-sections (2) to (5), inclusive, of the said section, until one year has elapsed from the date of such report."

¹ For Statement of Objects and Reasons, see Gazette of India, 1920, Pt. V, p. 3, and for Proceedings in Council, see *ibid.*, 1920, Pt. VI, pp. 15 and 16.

THE PROVINCIAL INSOLVENCY ACT, 1920.

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(Part I—Constitution and Powers of Court)

- (d) "property" includes any property over which or the profits of which any person has a disposing power which he may exercise for his own benefit,
- (e) "secured creditor" means a person holding a mortgage, charge or lien on the property of the debtor or any part thereof as a security for a debt due to him from the debtor; and
- (f) "transfer of property" includes a transfer of any interest in property and the creation of any charge upon property

(2) Words and expressions used in this Act and defined in the Code of Civil Procedure, 1908, and not hereinbefore defined shall have the same meanings as those respectively attributed to them by the said Code

PART I

CONSTITUTION AND POWERS OF COURT

3. (1) The District Courts shall be the Courts having jurisdiction under this Act Insolvency jurisdiction.

Provided that the Local Government may, by notification in the local official Gazette, invest any Court subordinate to a District Court with jurisdiction in any class of cases, and any Court so invested shall within the local limits of its jurisdiction have concurrent jurisdiction with the District Court under this Act

(2) For the purposes of this Act a Court of Small Causes shall be deemed to be subordinate to the District Court

4. (1) Subject to the provisions of this Act, the Court shall have power of full power to decide all questions whether of title or priority, or of any nature whatsoever, and whether involving matters of law or of fact, which may arise in any case of insolvency coming within the cognizance of the Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case Power of Court to decide all questions arising in insolvency.

(2) Subject to the provisions of this Act and notwithstand anything contained in any other law for the time being in force, every such decision shall be final and binding for all purposes as between, on

(Part I.—*Constitution and Powers of Court.* Part II.—*Proceedings from Act of Insolvency to Discharge.*)

the one hand, the debtor and the debtor's estate and, on the other hand, all claimants against him or it and all persons claiming through or under them or any of them.

(3) Where the Court does not deem it expedient or necessary to decide any question of the nature referred to in sub-section (1), but has reason to believe that the debtor has a saleable interest in any property, the Court may without further inquiry sell such interest in such manner and subject to such conditions as it may think fit.

General
powers of
Courts.

5. (1) Subject to the provisions of this Act, the Court, in regard to proceedings under this Act, shall have the same powers and shall follow the same procedure as it has and follows in the exercise of original civil jurisdiction.

(2) Subject as aforesaid, High Courts and District Courts, in regard to proceedings under this Act in Courts subordinate to them, shall have the same powers and shall follow the same procedure as they respectively have and follow in regard to civil suits.

PART II.

PROCEEDINGS FROM ACT OF INSOLVENCY TO DISCHARGE.

Acts of Insolvency.

Acts of
insolvency.

6. A debtor commits an act of insolvency in each of the following cases, namely :—

- (a) if, in British India or elsewhere, he makes a transfer of all or substantially all his property to a third person for the benefit of his creditors generally;
- (b) if, in British India or elsewhere, he makes a transfer of his property, or of any part thereof with intent to defeat or delay his creditors;
- (c) if, in British India or elsewhere, he makes any transfer of his property, or of any part thereof, which would, under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged an insolvent;

(Part II —Proceedings from Act of Insolvency to Discharge)

(d) if, with intent to defeat or delay his creditors,—

(i) he departs or remains out of British India,

(ii) he departs from his dwelling-house or usual place of business or otherwise absents himself,

(iii) he secludes himself so as to deprive his creditors of the means of communicating with him,

(e) if any of his property has been sold in execution of the decree of any Court for the payment of money,

(f) if he petitions to be adjudged an insolvent under the provisions of this Act,

(g) if he gives notice to any of his creditors that he has suspended or that he is about to suspend, payment of his debts, or

(h) if he is imprisoned in execution of the decree of any Court for the payment of money

Explanation—For the purposes of this section the act of an agent may be the act of the principal

Petition

7. Subject to the conditions specified in this Act, if a debtor commits an act of insolvency, an insolvency petition may be presented either by a creditor or by the debtor, and the Court may on such petition make an order (hereinafter called an order of adjudication) adjudging him an insolvent. Petition and adjudication.

Explanation—The presentation of a petition by the debtor shall be deemed an act of insolvency within the meaning of this section, and on such petition the Court may make an order of adjudication

8. No insolvency petition shall be presented against any corporation or against any association or company registered under any enactment for the time being in force Exemption of corporations etc. from insolvency proceedings.

9. (1) A creditor shall not be entitled to present an insolvency petition against a debtor unless — Conditions on which creditor may petition.

(a) the debt owing by the debtor to the creditor, or, if two or more creditors join in the petition, the aggregate amount of debts owing to such creditors, amounts to five hundred rupees, and

(b) the debt is a liquidated sum payable either immediately or at some certain future time, and

(Part II.—Proceedings from Act of Insolvency to Discharge.)

(c) the act of insolvency on which the petition is grounded has occurred within three months before the presentation of the petition.

(2) If the petitioning creditor is a secured creditor, he shall in his petition either state that he is willing to relinquish his security for the benefit of the creditors in the event of the debtor being adjudged insolvent, or give an estimate of the value of the security. In the latter case, he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him after deducting the value so estimated in the same way as if he were an unsecured creditor.

Conditions
on which
debtor
may peti-
tion.

10. (1) A debtor shall not be entitled to present an insolvency petition, unless he is unable to pay his debts and—

(a) his debts amount to five hundred rupees ; or

(b) he is under arrest or imprisonment in execution of the decree of any Court for the payment of money ; or

(c) an order of attachment in execution of such a decree has been made, and is subsisting, against his property.

(2) A debtor in respect of whom an order of adjudication ¹[whether made under the Presidency-towns Insolvency Act, 1909, or under this Act] has been annulled, owing to his failure to apply, or to prosecute an application for his discharge, shall not be entitled to present an insolvency petition without the leave of the Court by which the order of adjudication was annulled. Such Court shall not grant leave unless it is satisfied either that the debtor was prevented by any reasonable cause from presenting or prosecuting his application, as the case may be, or that the petition is founded on facts substantially different from those contained in the petition on which the order of adjudication was made.

Courts to
which peti-
tion shall be
presented.

11. Every insolvency petition shall be presented to a Court having jurisdiction under this Act in any local area in which the debtor ordinarily resides or carries on business, or personally works for gain, or if he has been arrested or imprisoned, where he is in custody :

Provided that no objection as to the place of presentment shall be allowed by any Court in the exercise of appellate or revisional jurisdiction unless such objection was taken in the Court by which the petition

¹ These words were substituted by s. 4 of the Insolvency (Amendment) Act, 1927 (11 of 1927).

(Part II —Proceedings from let of Insolvency to Discharge)

was heard at the earliest possible opportunity, and none s there has been a consequent failure of justice

12. Every insolvency petition shall be in writing and shall be signed ^{Verification of petition.} and verified in the manner prescribed by the Code of Civil Procedure, 1908, for signing and verifying plaints

13. (1) Every insolvency petition presented by a debtor shall con- ^{Contents of petition} tain the following particulars, namely —

- (a) a statement that the debtor is unable to pay his debts,
- (b) the place where he ordinarily resides or carries on business or personally works for gain or, if he has been arrested or imprisoned, the place where he is in custody,
- (c) the Court (if any) by whose order he has been arrested or imprisoned, or by which an order has been made for the attachment of his property, together with particulars of the decree in respect of which any such order has been made;
- (d) the amount and particulars of all pecuniary claims against him, together with the names and residences of his creditors so far as they are known to, or can by the exercise of reasonable care and diligence be ascertained by him,
- (e) the amount and particulars of all his property together with—
 - (i) a specification of the value of all such property not consisting of money;
 - (ii) the place or places at which any such property is to be found; and
 - (iii) a declaration of his willingness to place at the disposal of the Court all such property save in so far as it includes such particulars (not being his books of account) as are exempted by the Code of Civil Procedure, 1908 or by any other enactment for the time being in force from liability to attachment and sale in execution of a decree;
- (f) a statement whether the debtor has on any previous occasion filed a petition to be adjudged an insolvent and where such a petition has been filed —
 - (i) if such petition has been dismissed the reasons for such dismissal, or

(Part II.—Proceedings from Act of Insolvency to Discharge.)

(ii) if the debtor has been adjudged an insolvent, concise particulars of the insolvency, including a statement whether any previous adjudication has been annulled and, if so, the grounds therefor.

(2) Every insolvency petition presented by a creditor or creditors shall set forth the particulars regarding the debtor specified in clause (b) of sub-section (1), and shall also specify—

(a) the act of insolvency committed by such debtor, together with the date of its commission; and

(b) the amount and particulars of his or their pecuniary claim or claims against such debtor.

Withdrawal
of petitions.

14. No petition, whether presented by a debtor or by a creditor, shall be withdrawn without the leave of the Court.

Consolidation
of petitions.

15. Where two or more insolvency petitions are presented against the same debtor, or where separate petitions are presented against joint debtors, the Court may consolidate the proceedings or any of them, on such terms as the Court thinks fit.

Power to
change
carriage of
proceedings.

16. Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Act in the case of a petitioning creditor.

Continuance
of proceedings
on death of
debtor.

17. If a debtor by or against whom an insolvency petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued so far as may be necessary for the realisation and distribution of the property of the debtor.

Procedure
for admission
of petition.

18. The procedure laid down in the Code of Civil Procedure, 1908, V. of 190 with respect to the admission of plaints, shall, so far as it is applicable, be followed in the case of insolvency petitions.

Procedure
on admission
of petition.

19. (1) Where an insolvency petition is admitted, the Court shall make an order fixing a date for hearing the petition.

(2) Notice of the order under sub-section (1) shall be given to creditors in such manner as may be prescribed.

(3) Where the debtor is not the petitioner, notice of the order under sub-section (1) shall be served on him in the manner provided for the service of summons.

(Part II—Proceedings from Act of Insolvency to Discharge)

20. The Court when making an order admitting the petition may, ^{Appoint} and where the debtor is the petitioner ordinarily shall, appoint on ^{ment of in} interim receiver of the property of the debtor or of any part thereof, and ^{term} may direct him to take immediate possession thereof or of any part ^{receiver} thereof, and the interim receiver shall thereupon have such of the powers conferrable on a receiver appointed under the Code of Civil Procedure, 1908, as the Court may direct. If an interim receiver is not so appointed, the Court may make such appointment at any subsequent time before adjudication, and the provisions of this subsection shall apply accordingly.

21. At the time of making an order admitting the petition or at any ^{Interim pro} subsequent time before adjudication the Court may either of its own ^{ceedings} motion or on the application of any creditor make one or more of the ^{against} following orders, namely:—

- (1) order the debtor to give reasonable security for his appearance until final orders are made upon the petition, and direct that, in default of giving such security, he shall be detained in the civil prison,
- (2) order the attachment by actual seizure of the whole or any part of the property in the possession or under the control of the debtor, other than such particulars (not being his books of account) as are exempted by the Code of Civil Procedure, 1908, or by any other enactment for the time being in force from liability to attachment and sale in execution of a decree,
- (3) order a warrant to issue with or without bail for the arrest of the debtor, and direct either that he be detained in the civil prison until the disposal of the petition, or that he be released on such terms as to security as may be reasonable and necessary.

Provided that an order under clause (2) or clause (3) shall not be made unless the Court is satisfied that the debtor, without it, is likely to delay his creditors or to avoid any process of the Court,—

- (a) has absconded or has departed from the local limits of the jurisdiction of the Court, or is about to abscond or to depart from such limits, or is remaining outside them, or

(Part II.—Proceedings from Act of Insolvency to Discharge.)

- (ii) has failed to disclose or has concealed, destroyed, transferred or removed from such limits, or is about to conceal, destroy, transfer or remove from such limits, any documents likely to be of use to his creditors in the course of the hearing, or any part of his property other than such particulars as aforesaid.

Duties of
debtors.

22. The debtor shall on the making of an order admitting the petition produce all books of account, and shall at any time thereafter give such inventories of his property, and such lists of his creditors and debtors and of the debts due to and from them, respectively, submit to such examination in respect of his property or his creditors, attend at such times before the Court or receiver, execute such instruments, and generally do all such acts and things in relation to his property as may be required by the Court or receiver, or as may be prescribed.

Release of
debtor.

23. (1) At the time of making an order admitting the petition or at any subsequent time before adjudication, the Court may, if the debtor is under arrest or imprisonment in execution of the decree of any Court for the payment of money, order his release on such terms as to security as may be reasonable and necessary.

(2) The Court may at any time order any person who has been released under this section to be re-arrested and re-committed to the custody from which he was released.

(3) At the time of making any order under this section, the Court shall record in writing its reasons therefor.

Procedure at
hearing.

24. (1) On the day fixed for the hearing of the petition, or on any subsequent day to which the hearing may be adjourned, the Court shall require proof of the following matters, namely :—

- (a) that the creditor or the debtor, as the case may be, is entitled to present the petition :

Provided that, where the debtor is the petitioner, he shall for the purpose of proving his inability to pay his debts, be required to furnish only such proof as to satisfy the Court that there are *prima facie* grounds for believing the same and the Court, if and when so satisfied, shall not be bound to hear any further evidence thereon ;

(Part II —Proceedings from Act of Insolvency to Discharge)

(b) that the debtor if he does not appear on a petition presented by a creditor, has been served with notice of the order admitting the petition, and

(c) that the debtor has committed the act of insolvency alleged against him

(2) The Court shall also examine the debtor if he is present as to his conduct, dealings and property in the presence of such creditors as appear at the hearing, and the creditors shall have the right to question the debtor thereon

(3) The Court shall, if sufficient cause is shown, grant time to the debtor or to any creditor to produce any evidence which appears to it to be necessary for the proper disposal of the petition

(4) A memorandum of the substance of the examination of the debtor and of any other oral evidence given shall be made by the Judge, and shall form part of the record of the case

25 (1) In the case of a petition presented by a creditor, where the Court is not satisfied with the proof of his right to present the petition or of the service on the debtor of notice of the order admitting the petition, or of the alleged act of insolvency, or is satisfied by the debtor that he is able to pay his debts, or that for any other sufficient cause no order ought to be made, the Court shall dismiss the petition Disposal of petition

(2) In the case of a petition presented by a debtor, the Court shall dismiss the petition if it is not satisfied of his right to present the petition

26 (1) Where a petition presented by a creditor is dismissed under subsection (1) of section 25 and the Court is satisfied that the petition was frivolous or vexatious, the Court may, on the application of the debtor, award against such creditor such amount, not exceeding ten thousand rupees, as it deems a reasonable compensation to the debtor for the expense or injury occasioned to him by the petition and the proceedings thereon, and such amount may be realized as if it were a debt

(2) An award under this section shall bar any suit for compensation in respect of such petition and the proceedings thereon

(Part II.—Proceedings from Act of Insolvency to Discharge.)

Order of Adjudication.

Order of
adjudication.

27. (1) If the Court does not dismiss the petition, it shall make an order of adjudication, and shall specify in such order the period within which the debtor shall apply for his discharge.

(2) The Court may, if sufficient cause is shown, extend the period within which the debtor shall apply for his discharge, and in that case shall publish notice of the order in such manner as it thinks fit.

Effect of an
order of
adjudication.

28. (1) On the making of an order of adjudication, the insolvent shall aid to the utmost of his power in the realisation of his property and the distribution of the proceeds among his creditors.

(2) On the making of an order of adjudication, the whole of the property of the insolvent shall vest in the Court or in a receiver as hereinafter provided, and shall become divisible among the creditors, and thereafter, except as provided by this Act, no creditor to whom the insolvent is indebted in respect of any debt provable under this Act shall during the pendency of the insolvency proceedings have any remedy against the property of the insolvent in respect of the debt, or commence any suit or other legal proceeding, except with the leave of the Court and on such terms as the Court may impose.

(3) For the purposes of sub-section (2), all goods being at the date of the presentation of the petition on which the order is made, in the possession, order or disposition of the insolvent in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof, shall be deemed to be the property of the insolvent.

(4) All property which is acquired by or devolves on the insolvent after the date of an order of adjudication and before his discharge shall forthwith vest in the Court or receiver, and the provisions of sub-section (2) shall apply in respect thereof.

(5) The property of the insolvent for the purposes of this section shall not include any property (not being books of account) which is exempted by the Code of Civil Procedure, 1908, or by any other enactment for the time being in force from liability to attachment and sale in execution of a decree. V of 1908.

(Part II —Proceedings from let of Insolvency to Discharge)

(6) Nothing in this section shall affect the power of any secured creditor to realise or otherwise deal with his security, in the same manner as he would have been entitled to realise or deal with it if this section had not been passed

(7) An order of adjudication shall relate back to, and take effect from, the date of the presentation of the petition on which it is made

29 Any Court in which a suit or other proceeding is pending against a debtor shall, on proof that an order of adjudication has been made against him under this Act, either stay the proceeding or allow it to continue on such terms as such Court may impose Stay of pending proceeding

30 Notice of an order of adjudication stating the name, address and description of the insolvent, the date of the adjudication, the period within which the debtor shall apply for his discharge, and the Court by which the adjudication is made, shall be published in the local official Gazette and in such other manner as may be prescribed Publication of order of adjudication.

Proceedings consequent on order of Adjudication

31. (1) Any insolvent in respect of whom an order of adjudication has been made may apply to the Court for protection and the Court may on such application make an order for the protection of the insolvent from arrest or detention Protection order

(2) A protection order may apply either to all the debts of the debtor, or to any of them as the Court may think proper, and may commence and take effect at and for such time as the Court may direct, and may be revoked or renewed as the Court may think fit

(3) A protection order shall protect the insolvent from being arrested or detained in prison for any debt to which such order applies, and any insolvent arrested or detained contrary to the terms of such an order shall be entitled to his release

Provided that no such order shall operate to prejudice the rights of any creditor in the event of such order being revoked or the adjudication annulled

(4) Any creditor shall be entitled to apply to the Court for an order of protection or order

(Part II.—Proceedings from Act of Insolvency to Discharge.)

Power to
arrest after
adjudication.

32. At any time after an order of adjudication has been made, the Court may, if it has reason to believe on the application of any creditor or the receiver that the debtor has absconded or departed from the local limits of its jurisdiction with intent to avoid any obligation which has been, or might be, imposed on him by or under this Act, order a warrant to issue for his arrest, and on his appearing or being brought before it, may, if satisfied that he was absconding or had departed with such intent, order his release on such terms as to security as may be reasonable or necessary, or, if such security is not furnished, direct that he shall be detained in the civil prison for a period which may extend to three months.

Schedule of
creditors.

33. (1) When an order of adjudication has been made under this Act, all persons alleging themselves to be creditors of the insolvent in respect of debts provable under this Act shall tender proof of their respective debts by producing evidence of the amount and particulars thereof, and the Court shall, by order, determine the persons who have proved themselves to be creditors of the insolvent in respect of such debts, and the amount of such debts, respectively, and shall frame a schedule of such persons and debts :

Provided that, if, in the opinion of the Court, the value of any debt is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt shall not be included in the schedule.

(2) A copy of every such schedule shall be posted in the Court-house.

(3) Any creditor of the insolvent may, at any time before the discharge of the insolvent, tender proof of his debt and apply to the Court for an order directing his name to be entered in the schedule as a creditor in respect of any debt provable under this Act, and not entered in the schedule, and the Court, after causing notice to be served on the ¹[receiver] and the other creditors who have proved their debts, and hearing their objections (if any), shall comply with or reject the application.

Debts prov-
able under
the Act.

34. (1) Debts which have been excluded from the schedule on the ground that their value is incapable of being fairly estimated and

¹ This word was substituted by s. 2 of the Provincial Insolvency (Amendment) Act, 1926 (39 of 1926).

(Part II —Proceedings from Act of Insolvency to Discharge)

demands in the nature of unliquidated damages arising otherwise than by reason of a contract or a breach of trust shall not be provable under this Act

(2) Save as provided by sub-section (1), all debts and liabilities, present or future, certain or contingent, to which the debtor is subject when he is adjudged an insolvent, or to which he may become subject before his discharge by reason of any obligation incurred before the date of such adjudication, shall be deemed to be debts provable under this Act.

Annulment of Adjudication

35. Where, in the opinion of the Court, a debtor ought not to have been adjudged insolvent, or where it is proved to the satisfaction of the Court that the debts of the insolvent have been paid in full, the Court shall, on the application of the debtor, or of any other person interested, by order in writing, annul the adjudication ¹[and the Court may, of its own motion or on application made by the receiver or any creditor, annul any adjudication made on the petition of a debtor who was, by reason of the provisions of sub-section (2) of section 10 not entitled to present such petition]

Power to annul adjudication of insolvency

36. If, in any case in which an order of adjudication has been made, it shall be proved to the Court by which such order was made that insolvency proceedings are pending in another Court against the same debtor, and that the property of the debtor can be more conveniently distributed by such other Court, the Court may annul the adjudication or stay all proceedings thereon.

Power to cancel order of concurrent orders of adjudication

37. (1) Where an adjudication is annulled, all sales and dispositions of property and payments duly made, and all acts theretofore done, by the Court or receiver, shall be valid; but, subject as aforesaid, the property of the debtor who was adjudged insolvent shall vest in such person as the Court may appoint, or, in default of any such appointment, shall revert to the debtor to the extent of his right or interest therein on such conditions (if any) as the Court may, by order in writing, declare

Proceedings on annulment

¹ These words were added by s. 5 of the Insolvency Amendment Act 1927 (III of 1927)

(Part II.—Proceedings from Act of Insolvency to Discharge.)

(2) Notice of every order annulling an adjudication shall be published in the local official Gazette and in such other manner as may be prescribed.

Compositions and schemes of arrangement.

Composi-
tions and
schemes
of arrange-
ment.

38. (1) Where a debtor, after the making of an order of adjudication, submits a proposal for a composition in satisfaction of his debts, or a proposal for a scheme of arrangement of his affairs, the Court shall fix a date for the consideration of the proposal, and shall issue a notice to all creditors in such manner as may be prescribed.

(2) If, on the consideration of the proposal, a majority in number and three-fourths in value of all the creditors whose debts are proved and who are present in person or by pleader, resolve to accept the proposal, the same shall be deemed to be duly accepted by the creditors.

(3) The debtor may at the meeting amend the terms of his proposal if the amendment is, in the opinion of the Court, calculated to benefit the general body of creditors.

(4) Where the Court is of opinion, after hearing the report of the receiver, if a receiver has been appointed, and after considering any objections which may be made by or on behalf of any creditor, that the terms of the proposal are not reasonable or are not calculated to benefit the general body of creditors, the Court shall refuse to approve the proposal.

(5) If any facts are proved on proof of which the Court would be required either to refuse, suspend or attach conditions to the debtor's discharge, the Court shall refuse to approve the proposal unless it provides reasonable security for payment of not less than six annas in the rupee on all the unsecured debts provable against the debtor's estate.

(6) No composition or scheme shall be approved by the Court which does not provide for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of an insolvent.

(7) In any other case the Court may either approve or refuse to approve the proposal.

(Part II—Proceedings from Act of Insolvency to Discharge)

39. If the Court approves the proposal, the terms shall be embodied in an order of the Court, and the Court shall frame a schedule in accordance with the provisions of section 33, the order of adjudication shall be annulled, and the provisions of section 37 shall apply, and the composition or scheme shall be binding on all the creditors entered in the said schedule so far as relates to any debts entered therein.

40. If default is made in the payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, readjust the debtor insolvent and annul the composition or scheme but without prejudice to the validity of any transfer or payment duly made or of anything duly done under or in pursuance of the composition or scheme. When a debtor is re-adjudged insolvent under this section, all debts provable in other respects which have been contracted before the date of such re-adjudication shall be provable in the insolvency.

Discharge

41. (1) A debtor may, at any time after the order of adjudication and shall, within the period specified by the Court, apply to the Court for an order of discharge, and the Court shall fix a day, notice whereof shall be given in such manner as may be prescribed, for hearing such application, and any objections which may be made thereto.

(2) Subject to the provisions of this section, the Court may, after considering the objections of any creditor and, where a receiver has been appointed, the report of the receiver—

(a) grant or refuse an absolute order of discharge, or

(b) suspend the operation of the order for a specified time, or

(c) grant an order of discharge, subject to any conditions with respect to any earnings or income which may afterwards become due to the debtor, or with respect to his after-acquired property.

(Part II.—Proceedings from Act of Insolvency to Discharge.)

Cases in
which Court
must refuse
an absolute
discharge.

42. (1) The Court shall refuse to grant an absolute order of discharge under section 41 on proof of any of the following facts, namely:—

- (a) that the insolvent's assets are not of a value equal to eight annas in the rupee on the amount of his unsecured liabilities, unless he satisfies the Court that the fact that the assets are not of a value equal to eight annas in the rupee on the amount of his unsecured liabilities has arisen from circumstances for which he cannot justly be held responsible;
- (b) that the insolvent has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his insolvency;
- (c) that the insolvent has continued to trade after knowing himself to be insolvent;
- (d) that the insolvent has contracted any debt provable under this Act without having at the time of contracting it any reasonable or probable ground of expectation (the burden of proving which shall lie on him) that he would be able to pay it;
- (e) that the insolvent has failed to account satisfactorily for any loss of assets or for any deficiency of assets to meet his liabilities;
- (f) that the insolvent has brought on, or contributed to, his insolvency by rash and hazardous speculations, or by unjustifiable extravagance in living, or by gambling, or by culpable neglect of his business affairs;
- (g) that the insolvent has, within three months preceding the date of the presentation of the petition, when unable to pay his debts as they became due, given an undue preference to any of his creditors;
- (h) that the insolvent has on any previous occasion been adjudged an insolvent or made a composition or arrangement with his creditors;
- (i) that the insolvent has concealed or removed his property or any part thereof, or has been guilty of any other fraud or fraudulent breach of trust.

(Part II —Proceedings from Act of Insolvency to Discharge)

(2) For the purposes of this section, the report of the receiver shall be deemed to be evidence; and the Court may presume the correctness of any statement contained therein

(3) The powers of suspending, and of attaching conditions to, an insolvent's discharge may be exercised concurrently

43. (1) If the debtor does not appear on the day fixed for hearing his application for discharge or on such subsequent day as the Court may direct, or if the debtor does not apply for an order of discharge within the period specified by the Court, the order of adjudication shall be annulled, and the provisions of section 37 shall apply accordingly

Adjournment to be annulled on failure to apply for discharge.

(2) Where a debtor has been released from custody under the provisions of this Act and the order of adjudication is annulled under sub-section (1), the Court may, if it thinks fit re-commit the debtor to his former custody, and the officer in charge of the prison to whose custody such debtor is so re-committed shall receive such debtor into his custody according to such re-commitment, and thereupon all processes which were in force against the person of such debtor at the time of such release as aforesaid shall be deemed to be still in force against him as if no order of adjudication had been made

44. (1) An order of discharge shall not release the insolvent from—

Effect of order of discharge

(a) any debt due to the Crown;

(b) any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party,

(c) any debt or liability in respect of which he has obtained forbearance by any fraud to which he was a party; or

(d) any liability under an order for maintenance made under section 485 of the Code of Criminal Procedure, 1898

(2) Save as otherwise provided by sub-section (1), an order of discharge shall release the insolvent from all debts provable under this Act

(3) An order of discharge shall not release any person who, at the date of the presentation of the petition, was a partner or co-trustee with the insolvent, or was jointly bound or had made any joint contract with him or any person who was surety for him

(Part III.—Administration of Property.)

PART III.

ADMINISTRATION OF PROPERTY.

Method of proof of debts.

Debt payable at a future time.

45. A creditor may prove for a debt not payable when the debtor is adjudged an insolvent as if it were payable presently, and may receive dividends equally with the other creditors, deducting therefrom only a rebate of interest at the rate of six per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable, according to the terms on which it was contracted.

Mutual dealings and set-off.

46. Where there have been mutual dealings between an insolvent and a creditor proving or claiming to prove a debt under this Act, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of the account, and no more, shall be claimed or paid on either side respectively.

Secured creditors.

47. (1) Where a secured creditor realises his security, he may prove for the balance due to him, after deducting the net amount realised.

(2) Where a secured creditor relinquishes his security for the general benefit of the creditors, he may prove for his whole debt.

(3) Where a secured creditor does not either realise or relinquish his security, he shall, before being entitled to have his debt entered in the schedule, state in his proof the particulars of his security, and the value at which he assesses it, and shall be entitled to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

(4) Where a security is so valued, the Court may at any time before realisation redeem it on payment to the creditor of the assessed value.

(5) Where a creditor, after having valued his security, subsequently realises it, the net amount realised shall be substituted for the amount of any valuation previously made by the creditor, and shall be treated in all respects as an amended valuation made by the creditor.

(6) Where a secured creditor does not comply with the provisions of this section, he shall be excluded from all share in any dividend.

(Part III—Administration of Property)

48. (1) On any debt or sum certain whereon interest is not reserved interest, or agreed for, and which is overdue when the debtor is adjudged an insolvent, and which is provable under this Act, the creditor may prove for interest at a rate not exceeding six per centum per annum—

(a) if the debt or sum is payable by virtue of a written instrument at a certain time, from the time when such debt or sum was payable to the date of such adjudication, or,

(b) if the debt or sum is payable otherwise, from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment to the date of such adjudication.

(2) Where a debt which has been proved under this Act includes interest or any pecuniary consideration in lieu of interest the interest or consideration shall, for the purposes of dividend be calculated at a rate not exceeding six per centum per annum, without prejudice to the right of a creditor to receive out of the debtor's estate any higher rate of interest to which he may be entitled after all the debts proved have been paid in full.

49. (1) A debt may be proved under this Act by delivering, or ^{Mode of} sending by post in a registered letter, to the Court an affidavit verifying ^{proof} the debt.

(2) The affidavit shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers (if any) by which the same can be substantiated. The Court may at any time call for the production of the vouchers.

50. (1) Where the receiver thinks that a debt has been improperly ^{Disallow} entered in the schedule, the Court may, on the application of the receiver ^{and} after notice to the creditor, and such inquiry (if any) as ^{and} the Court thinks necessary, expunge such entry or reduce the amount ^{of entry or} of the debt ^{to the}.

(2) The Court may also, after due inquiry, expunge an entry or reduce the amount of a debt upon the application of a creditor where no receiver has been appointed, or where the receiver declines to interfere in the matter or, in the case of a company, on the application of the debtor.

(Part III.—Administration of Property.)

Effect of insolvency on antecedent transactions.

Restriction
of rights
of creditor
under execu-
tion.

51. (1) Where execution of a decree has issued against the property of a debtor, no person shall be entitled to the benefit of the execution against the receiver except in respect of assets realised in the course of the execution by sale or otherwise before the date of the admission of the petition.

(2) Nothing in this section shall affect the rights of a secured creditor in respect of the property against which the decree is executed.

(3) A person who in good faith purchases the property of a debtor under a sale in execution shall in all cases acquire a good title to it against the receiver.

Duties of
Court exe-
cuting
decree as to
property
taken in
execution.

52. Where execution of a decree has issued against any property of a debtor which is saleable in execution and before the sale thereof notice is given to the Court executing the decree that an insolvency petition by or against the debtor has been admitted, the Court shall, on application, direct the property, if in the possession of the Court, to be delivered to the receiver, but the costs of the suit in which the decree was made and of the execution shall be a first charge on the property so delivered, and the receiver may sell the property or an adequate part thereof for the purpose of satisfying the charge.

Avoidance
of voluntary
transfer.

53. Any transfer of property not being a transfer made before and in consideration of marriage or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration shall, if the transferor is adjudged insolvent ^{on a petition presented} within two years after the date of the transfer, be voidable as against the receiver and may be annulled by the Court.

Avoidance
of preference
in certain
cases.

54. (1) Every transfer of property, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, with a view of giving that creditor a preference over the other creditors, shall, if such person is adjudged insolvent on a petition presented within three months after the date thereof, be deemed fraudulent and void as against the receiver, and shall be annulled by the Court.

(Part III —Administration of Property)

(2) This section shall not affect the rights of any person who in good faith and for valuable consideration has acquired a title through or under a creditor of the insolvent

1[54A A petition for the annulment of any transfer under section 53, or of any transfer, payment obligation or judicial proceeding under section 54, may be made by the receiver or with the leave of the Court, by any creditor who has proved his debt and who satisfies the Court that the receiver has been requested and has refused to make such petition] By whom petitions for annulment may be made

55 Subject to the foregoing provisions of this Act with respect to the effect of insolvency on an execution and with respect to the avoidance of certain transfers and preferences nothing in this Act shall invalidate in the case of an insolvency— Pro ect on of bond file transactions

- (a) any payment by the insolvent to any of his creditors
- (b) any payment or delivery to the insolvent
- (c) any transfer by the insolvent for valuable consideration, or
- (d) any contract or dealing by or with the insolvent for valuable consideration

Provided that any such transaction takes place before the date of the order of adjudication, and that the person with whom such transaction takes place has not at the time notice of the presentation of any insolvency petition by or against the debtor

Realisation of Property

56 (1) If the Court may at the time of the order of adjudication, or at any time afterwards appoint a receiver for the property of the insolvent and his property shall be disposed of in accordance with

- (2) Subject to such conditions as the Court may—
 - (a) require the receiver to pay or otherwise retain the proceeds of the property and
 - (b) by general or special order may fix an amount to be paid as remuneration for the services of the receiver out of the assets of the insolvent

(Part III.—Administration of Property.)

(3) Where the Court appoints a receiver, it may remove the person in whose possession or custody any such property as aforesaid is from the possession or custody thereof:

Provided that nothing in this section shall be deemed to authorise the Court to remove from the possession or custody of property any person whom the insolvent has not a present right so to remove.

(4) Where a receiver appointed under this section—

(a) fails to submit his accounts at such periods and in such form as the Court directs, or

(b) fails to pay the balance due from him thereon as the Court directs, or

(c) occasions loss to the property by his wilful default or gross negligence,

the Court may direct his property to be attached and sold, and may apply the proceeds to make good any balance found to be due from him or any loss so occasioned by him.

(5) The provisions of this section shall apply, so far as may be, to interim receivers appointed under section 20.

Power to
appoint
Official
Receivers.

57. (1) The Local Government may appoint such persons as it thinks fit (to be called "Official Receivers") to be receivers under this Act within such local limits as it may prescribe.

(2) Where any Official Receiver has been so appointed for the local limits of the jurisdiction of any Court having jurisdiction under this Act, he shall be the receiver for the purpose of every order appointing a receiver or an interim receiver issued by any such Court, unless the Court for special reasons otherwise directs.

(3) Any sum payable under clause (b) of sub-section (2) of section 56 in respect of the services of an Official Receiver shall be credited to such fund as the Local Government may direct.

(4) Every Official Receiver shall receive such remuneration out of the said fund or otherwise as the Local Government may fix in this behalf, and no remuneration whatever beyond that so fixed shall be received by the Official Receiver as such.

(Part III — Administration of Property)

58. Where no receiver is appointed, the Court shall have all the rights of, and may exercise all the powers conferred on, a receiver under this Act Powers of Court if no receiver appointed

59. Subject to the provisions of this Act the receiver shall, with all convenient speed, realise the property of the debtor and distribute dividends among the creditors entitled thereto and for that purpose may— Duties and powers of receiver

(a) sell all or any part of the property of the insolvent,

(b) give receipts for any money received by him,

and may, by leave of the Court, do all or any of the following things, namely —

(c) carry on the business of the insolvent so far as may be necessary for the beneficial winding up of the same;

(d) institute, defend or continue any suit or other legal proceeding relating to the property of the insolvent,

(e) employ a pleader or other agent to take any proceedings or do any business which may be sanctioned by the Court,

(f) accept as the consideration for the sale of any property of the insolvent a sum of money payable at a future time subject to such stipulations as to security and otherwise as the Court thinks fit,

(g) mortgage or pledge any part of the property of the insolvent for the purpose of raising money for the payment of his debts;

(h) refer any dispute to arbitration, and compromise all debts, claims and liabilities, on such terms as may be agreed upon; and

(i) divide in its existing form amongst the creditors, according to its estimated value, any property which, from its peculiar nature or other special circumstances cannot be sold or advantageously so.

1[59A. (1) The Court, if specially empowered in that behalf by an order of the Local Government, or any officer of the Court so empowered by a like order, may, on the application of the receiver or any

128/1920/128 was made by the Local Government on the 12th of January 1920

(Part III.—Administration of Property.)

creditor who has proved his debt, at any time after an order of adjudication has been made, summon before it in the prescribed manner any person known or suspected to have in his possession any property belonging to the insolvent, or supposed to be indebted to the insolvent, or any person whom the Court or such officer, as the case may be, may deem capable of giving information respecting the insolvent or his dealings or property, and the Court or such officer may require any such person to produce any documents in his custody or power relating to the insolvent or to his dealings or property.

(2) If any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court or such officer at the time appointed, or refuses to produce any such document, having no lawful impediment made known to and allowed by the Court or such officer, the Court or such officer may, by warrant, cause him to be apprehended and brought up for examination.

(3) The Court or such officer may examine any person so brought before it or him concerning the insolvent, his dealings or property, and such person may be represented by a legal practitioner.]

Special provisions in regard to immoveable property.

60. (1) In any local area in which a declaration has been made under section 68 of the Code of Civil Procedure, 1908, and is in force, v of 1908 no sale of immoveable property paying revenue to the Government or held or let for agricultural purposes shall be made by the receiver; but, after the other property of the insolvent has been realised, the Court shall ascertain—

(a) the amount required to satisfy the debts proved under this Act after deducting the monies already received;

(b) the immoveable property of the insolvent remaining unsold; and

(c) the incumbrances (if any) existing thereon;

and shall forward a statement to the Collector containing the particulars aforesaid; and thereupon the Collector shall proceed to raise the amount so required by the exercise of such of the powers conferred on him by paragraphs 2 to 10 of the Third Schedule to the said Code as he thinks fit, and subject to the provisions of those paragraphs so far as they are applicable, and shall hold at the disposal of the Court all sums that may come to his hands by the exercise of such powers.

(2) Nothing in this Act shall be deemed to affect any provisions of any enactment for the time being in force prohibiting or restricting

(Part III—Administration of Property)

the execution of decrees or orders against immovable property, and any such provisions shall be deemed to apply to the enforcement of an order of adjudication made under this Act as if it were such a decree or order

Distribution of Property.

61. (1) In the distribution of the property of the insolvent, there shall be paid in priority to all other debts— Priority of debts.

(a) all debts due to the Crown or to any local authority, and

(b) all salary or wages, not exceeding twenty rupees in all, of any clerk, servant or labourer in respect of services rendered to the insolvent during four months before the date of the presentation of the petition

(2) The debts specified in sub section (1) shall rank equally between themselves, and shall be paid in full, unless the property of the insolvent is insufficient to meet them, in which case they shall abate in equal proportions between themselves

(3) Subject to the retention of such sums as may be necessary for the expenses of administration or otherwise, the debts specified in sub-section (1) shall be discharged forthwith in so far as the property of the insolvent is sufficient to meet them

(4) In the case of partners, the partnership property shall be applicable in the first instance in payment of the partnership debts, and the separate property of each partner shall be applicable in the first instance in payment of his separate debts. Where there is a surplus of the separate property of the partners, it shall be dealt with as part of the partnership property, and where there is a surplus of the partnership property, it shall be dealt with as part of the respective separate property in proportion to the rights and interests of each partner in the partnership property

(5) Subject to the provisions of this Act all debts entered in the schedule shall be paid ratably according to the amounts of such debts respectively and without any preference

(6) Where there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date at which the debtor is adjudged an insolvent at the rate of 5 per centum per annum on all debts entered in the schedule

(Part III.—Administration of Property.)

Calculation
of dividends.

62. (1) In the calculation of dividends, the receiver shall retain in his hands sufficient assets to meet—

- (a) debts provable under this Act and appearing, from the insolvent's statements or otherwise, to be due to persons resident in places so distant that in the ordinary course of communication they have not had sufficient time to tender their proofs;
- (b) debts provable under this Act, the subject of claims not yet determined;
- (c) disputed proofs or claims; and
- (d) the expenses necessary for the administration of the estate or otherwise.

(2) Subject to the provisions of sub-section (1), all money in hand shall be distributed as dividends.

Right of
creditor who
has not
proved debt
before
declaration
of a divi-
dend.

63. Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid, out of any money for the time being in the hands of the receiver, any dividend or dividends which he may have failed to receive before that money is applied to the payment of any future dividend or dividends; but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

Final
dividend.

64. When the receiver has realised all the property of the insolvent or so much thereof as can, in the opinion of the Court, be realised without needlessly protracting the receivership, he shall declare a final dividend; but before so doing, he shall give notice in manner prescribed to the persons whose claims to be creditors have been notified but not proved, that if they do not prove their claims within the time limited by the notice, he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited, or if the Court, on application by any such claimant, grants him further time for establishing his claim, then on the expiration of such further time, the property of the insolvent shall be divided among the creditors entered in the schedule without regard to the claims of any other persons.

(Part III — Administration of Property)

65. No suit for a dividend shall lie against the receiver, but where the receiver refuses to pay any dividend, the Court may, on the application of any creditor who is entered in the schedule, order him to pay it, and also to pay out of his own money interest thereon for the time that it is withheld and the costs of the application No suit for dividend

66. (1) The Court may appoint the insolvent himself to superintend the management of the property of the insolvent or of any part thereof, or to carry on the trade (if any) of the insolvent for the benefit of the creditors, and in any other respect to aid in administering the property in such manner and on such terms as the Court may direct Management and allowance insolvent

(2) The Court may from time to time make such allowance as it may think just to the insolvent out of his property for the support of himself and his family, or in consideration of his services if he is engaged in winding up his estate but any such allowance may, at any time, be varied or determined by the Court

67. The insolvent shall be entitled to any surplus remaining after payment in full of his creditors with interest as provided by this Act, and of the expenses of the proceedings taken thereunder Right of insolvent to surplus

[67A (1) The Court may, if it thinks fit, authorise the creditors who have proved their debts to appoint a committee of inspection for the purpose of superintending the administration of the insolvent's property by the receiver Committee of inspection

(2) The persons appointed to a committee of inspection shall be creditors who have proved their debts or persons holding general powers of attorney from such creditors

(3) The committee of inspection shall have such powers of control over the proceedings of the receiver as may be prescribed]

Appeal to Court against receiver

68. If the insolvent or any of his creditors or the receiver is aggrieved by any act or decision of the Court or by any order made by the Court and the Court may cause a review of the proceedings to be complained of and make such order as it thinks fit Appeal to Court against receiver

Provided that no application for the review shall be entertained after the expiration of twenty-one days from the date of the order complained of

(Part IV.—Penalties.)

PART IV.

PENALTIES.

Offences by
debtors.

69. If a debtor, whether before or after the making of an order of adjudication,—

- (a) wilfully fails to perform the duties imposed on him by section 22 or to deliver up possession of any part of his property which is divisible among his creditors under this Act, and which is for the time being in his possession or under his control to the Court or to any person authorised by the Court to take possession of it, or
- (b) fraudulently with intent to conceal the state of his affairs or to defeat the objects of this Act,—
 - (i) has destroyed or otherwise wilfully prevented or purposely withheld the production of any document relating to such of his affairs as are subject to investigation under this Act, or
 - (ii) has kept or caused to be kept false books, or
 - (iii) has made false entries in or withheld entries from or wilfully altered or falsified any document relating to such of his affairs as are subject to investigation under this Act, or
- (c) fraudulently with intent to diminish the sum to be divided among his creditors or to give an undue preference to any of his creditors,—
 - (i) has discharged or concealed any debt due to or from him, or
 - (ii) has made away with, charged, mortgaged or concealed any part of his property of any kind whatsoever,

he shall be punishable on conviction¹ * * with imprisonment which may extend to one year.

¹ The words "by the Court" were repealed by the Repealing Act, 1927 (12 of 1927).

(Part IV —Penalties)

70 Where the Court is satisfied, after such preliminary inquiry, Procedure on charge under section 62 if any, as it thinks necessary, that there is ground for inquiring into any offence referred to in section 69 and appearing to have been committed by the insolvent, the Court may record a finding to that effect and make a complaint of the offence in writing to a Magistrate of the first class having jurisdiction, and such Magistrate shall deal with such complaint in the manner laid down in the Code of Criminal Procedure, 1893]

71. Where an insolvent has been guilty of any of the offences specified in section 69, he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge or that a composition or scheme of arrangement has been accepted or approved Criminal liability after discharge or composition.

72 (1) An undischarged insolvent obtaining credit to the extent of fifty rupees or upwards from any person without informing such person that he is an undischarged insolvent shall, on conviction by a Magistrate, be punishable with imprisonment for a term which may extend to six months, or with fine or with both Undischarged insolvent obtaining credit.

(2) Where the Court has reason to believe that an undischarged insolvent has committed the offence referred to in sub-section (1), the Court, after making any preliminary inquiry that may be necessary, may send the case for trial to the nearest Magistrate of the first class, and may send the accused in custody or take sufficient security for his appearance before such Magistrate, and may bind over any person to appear and give evidence on such trial

73. (1) Where a debtor is adjudged or readjudged insolvent under this Act, he shall, subject to the provisions of this section, be disqualified from— Disqualifications of insolvent

(a) being appointed or acting as a Magistrate,

(b) being elected to any office of any local authority where the appointment to such office is by election or holding or exercising any such office to which no salary is attached; and

(c) being elected or sitting or voting as member of any local authority

1 This section was substituted by s. 11 of the Insolvency (Amendment) Act 1926 (2 of 1926) as amended by s. 3 and Sch. II of the Insolvency and Amendment Act 1927 (10 of 1927)

(Part IV.—Penalties. Part V.—Summary Administration.)

(2) The disqualifications which an insolvent is subject to under this section shall be removed, and shall cease if—

- (a) the order of adjudication is annulled under section 35, or
- (b) he obtains from the Court an order of discharge, whether absolute or conditional, with a certificate that his insolvency was caused by misfortune without any misconduct on his part.

(3) The Court may grant or refuse such certificate as it thinks fit, but any order of refusal shall be subject to appeal.

PART V.

SUMMARY ADMINISTRATION.

Summary
administra-
tion.

74. When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise that the property of the debtor is not likely to exceed in value five hundred rupees, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Act shall be subject to the following modifications, namely:—

- (i) unless the Court otherwise directs, no notice required under this Act shall be published in the local official Gazette;
- (ii) on the admission of a petition by a debtor, the property of the debtor shall vest in the Court as a receiver:
- (iii) at the hearing of the petition, the Court shall inquire into the debts and assets of the debtor and determine the same by order in writing, and it shall not be necessary to frame a schedule under the provisions of section 33;
- (iv) the property of the debtor shall be realised with all reasonable despatch and thereafter, when practicable, distributed in a single dividend;
- (v) the debtor shall apply for his discharge within six months from the date of adjudication; and
- (vi) such other modifications as may be prescribed with the view of saving expense and simplifying procedure:

Provided that the Court may at any time direct that the ordinary procedure provided for in this Act shall be followed in regard to the debtor's estate, and thereafter the Act shall have effect accordingly.

(Part VI—Appeals Part VII—Miscellaneous)

PART VI.

APPEALS

75. (1) The debtor, any creditor, the receiver or any other person aggrieved by a decision come to or an order made in the exercise of insolvency jurisdiction by a Court subordinate to a District Court may appeal to the District Court, and the order of the District Court upon such appeal shall be final

Provided that the High Court, for the purpose of satisfying itself that an order made in any appeal decided by the District Court was according to law, may call for the case and pass such order with respect thereto as it thinks fit

Provided, further, that any such person aggrieved by a decision of the District Court on appeal from a decision of a subordinate Court under section 1 may appeal to the High Court on any of the grounds mentioned in sub section (1) of section 100 of the Code of Civil Procedure, 1908

(2) Any such person aggrieved by any such decision or order of a District Court as is specified in Schedule I, come to or made otherwise than in appeal from an order made by a subordinate Court, may appeal to the High Court

(3) Any such person aggrieved by any other order made by a District Court otherwise than in appeal from an order made by a subordinate Court may appeal to the High Court by leave of the District Court or of the High Court

(4) The periods of limitation for appeals to the District Court and to the High Court under this section shall be thirty days and ninety days respectively

 PART VII

MISCELLANEOUS

76. The costs of any proceeding under this Act, including the costs of maintaining a debtor in the civil prison, shall, subject to any rules made under this Act, be in the discretion of the Court in which the proceeding is had

(Part IV.—Penalties. Part V.—Summary Administration.)

(2) The disqualifications which an insolvent is subject to under this section shall be removed, and shall cease if—

- (a) the order of adjudication is annulled under section 35, or
- (b) he obtains from the Court an order of discharge, whether absolute or conditional, with a certificate that his insolvency was caused by misfortune without any misconduct on his part.

(3) The Court may grant or refuse such certificate as it thinks fit, but any order of refusal shall be subject to appeal.

PART V.

SUMMARY ADMINISTRATION.

Summary
administra-
tion.

74. When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise that the property of the debtor is not likely to exceed in value five hundred rupees, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Act shall be subject to the following modifications, namely:—

- (i) unless the Court otherwise directs, no notice required under this Act shall be published in the local official Gazette;
- (ii) on the admission of a petition by a debtor, the property of the debtor shall vest in the Court as a receiver;
- (iii) at the hearing of the petition, the Court shall inquire into the debts and assets of the debtor and determine the same by order in writing, and it shall not be necessary to frame a schedule under the provisions of section 33;
- (iv) the property of the debtor shall be realised with all reasonable despatch and thereafter, when practicable, distributed in a single dividend;
- (v) the debtor shall apply for his discharge within six months from the date of adjudication; and
- (vi) such other modifications as may be prescribed with the view of saving expense and simplifying procedure:

Provided that the Court may at any time direct that the ordinary procedure provided for in this Act shall be followed in regard to the debtor's estate, and thereafter the Act shall have effect accordingly.

(Part VI—Appeals Part VII—Miscellaneous)

PART VI

APPEALS

75. (1) The debtor, any creditor, the receiver or any other person aggrieved by a decision come to or an order made in the exercise of insolvency jurisdiction by a Court subordinate to a District Court may appeal to the District Court, and the order of the District Court upon such appeal shall be final.

Provided that the High Court, for the purpose of satisfying itself that an order made in any appeal decided by the District Court was according to law, may call for the case and pass such order with respect thereto as it thinks fit

Provided, further, that any such person aggrieved by a decision of the District Court on appeal from a decision of a subordinate Court under section 4 may appeal to the High Court on any of the grounds mentioned in sub section (1) of section 100 of the Code of Civil Procedure, 1908

(2) Any such person aggrieved by any such decision or order of a District Court as is specified in Schedule I, come to or made otherwise than in appeal from an order made by a subordinate Court, may appeal to the High Court

(3) Any such person aggrieved by any other order made by a District Court otherwise than in appeal from an order made by a subordinate Court may appeal to the High Court by leave of the District Court or of the High Court

(4) The periods of limitation for appeals to the District Court and to the High Court under this section shall be thirty days and ninety days respectively

PART VII.

MISCELLANEOUS

76. The costs of any proceeding under this Act, including the costs of maintaining a debtor in the civil prison, shall, subject to any rules made under this Act, be in the discretion of the Court in which the proceeding is had

(Part VII.—Miscellaneous.)

Courts to be
auxiliary to
each other.

77. All Courts having jurisdiction in insolvency and the officers of such Courts, respectively, shall severally act in aid of and be auxiliary to each other in all matters of insolvency, and an order of a Court seeking aid with a request to another of the said Courts shall be deemed sufficient to enable the latter Court to exercise, in regard to the matters directed by the order, such jurisdiction as either of such Courts could exercise in regard to similar matters within their respective jurisdictions.

Limitation.

78. (1) The provisions of sections 5 and 12 of the Indian Limitation Act, 1908, shall apply to appeals and applications under this Act, and IX of for the purpose of the said section 12, a decision under section 4 shall be deemed to be a decree.

(2) Where an order of adjudication has been annulled under this Act, in computing the period of limitation prescribed for any suit or application for the execution of a decree (other than a suit or application in respect of which the leave of the Court was obtained under subsection (2) of section 28) which might have been brought or made but for the making of an order of adjudication under this Act, the period from the date of the order of adjudication to the date of the order of annulment shall be excluded :

Provided that nothing in this section shall apply to a suit or application in respect of a debt provable but not proved under this Act.

Power to
make rules.

79. (1) The High Court may, with the previous sanction, in the case of the High Court of Judicature at Fort William in Bengal, of the Governor General in Council, and, in the case of any other High Court, of the Local Government, make rules for carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide—

(a) for the appointment and remuneration of receivers (other than Official Receivers), the audit of the accounts of all receivers and the costs of such audit,

(b) for meetings of creditors,

(c) for the procedure to be followed where the debtor is a firm,

1*

¹ The word "and" was omitted by s. 6 of the Provincial Insolvency (Amendment) Act, 1926 (39 of 1926).

(Part VII—Miscellaneous.)

(d) for the procedure to be followed in the case of estates to be administered in a summary manner, ¹[and

(e) for any matter which is to be or may be prescribed.]

(3) All rules made under this section shall be published in the Gazette of India or in the local official Gazette, as the case may be, and shall, on such publication, have effect as if enacted in this Act

80. (1) The High Court, with the like sanction, may from time to time direct that, in any matters in respect of which jurisdiction is given to the Court by this Act, the Official Receiver shall, subject to the directions of the Court, have all or any of the following powers, namely:—

2 • • •

Delegation
of powers to
Official
Receivers.

(b) to frame schedules and to admit or reject proofs of creditors,

2 • • •

2 • • •

(c) to make interim orders in any case of urgency; and

(f) to hear and determine any unopposed or *ex-parte* application

(2) Subject to the appeal to the Court provided for by section 68, any order made or act done by the Official Receiver in the exercise of the said powers shall be deemed the order or act of the Court

81. Any Local Government ³ * * may, by notification in the local official Gazette, declare that any of the provisions of this Act specified in Schedule II shall not apply to insolvency proceedings in any Court or Courts having jurisdiction under this Act in any part of the territories administered by such Local Government

Power of
Local
Government
to bar applica-
tion of
certain
provisions to
certain
Courts.
Savings.

82. Nothing in this Act shall—

(a) affect the Presidency-towns Insolvency Act, 1870, or section 8 of the Lower Burma Courts Act, 1900,⁴ or

(b) apply to cases to which Chapter IV of the Dekkan Agriculturists Relief Act, 1879, is applicable.

¹ The word 'and' and clause (e) were inserted by s. 6 of the Provincial Insolvency (Amendment) Act, 1925 (37 of 1925)

² Clauses (e), (f) and (d) were omitted by s. 7, *ibid*

³ The words "with the previous sanction of the Governor General in Council" were omitted by s. 2 and Sch. I of the Devolution Act, 1920 (37 of 1920), *vide*

⁴ This Act has been repealed by the Repealing and Amending Act, 1923 (11 of 1923)

(Part VII.—Miscellaneous. Schedule I.)

83.1 * *

(2) Where in any enactment or instrument in force at the date of the commencement of this Act, reference is made to Chapter XX (of Insolvent Judgment-debtors) of the Code of Civil Procedure, 1877², or X of 1877. of the Code of Civil Procedure, 1882², or to any section of either of those XIV of 1882. Chapters, such reference shall, so far as may be practicable, be construed as applying to this Act or to the corresponding section thereof.

SCHEDULE I.

[See section 75 (2).]

Decisions and Orders from which an appeal lies to the High Court under section 75 (2).

Section.	Nature of decision or order.
4	Decision of questions of title, priority, etc., arising in insolvency.
25	Order dismissing a petition.
26	Order awarding compensation.
27	Order of adjudication.
33	Orders regarding entries in the schedule.
35	Order annulling adjudication.
37	Order declaring the conditions on which the debtor's property shall revert to him on annulment of adjudication.
41	Order on application for discharge.
50	Order disallowing or reducing entries in the schedule.
53	Order annulling a voluntary transfer.
54	Decision that a transfer of property is a preference in favour of a creditor.
3*	* * * *

¹ Sub-section (1) was repealed by the Repealing and Amending Act, 1927 (12 of 1927).

² See now the Code of Civil Procedure, 1908 (5 of 1908).

³ The entry relating to s. 69 was repealed by the Repealing Act, 1927 (12 of 1927)

SCHEDULE II.

(See section 81.)

Provisions of the Act application of which may be barred by Local Governments.

Provisions of the Act.	Subject.
Section. 26	Award of compensation
28, sub-section (3).	Reputed property of an insolvent.
34	Debts provable under the Act.
38	Compositions and schemes of arrangement.
39	
40	
42, sub-sections (1) and (2).	Obligation to refuse absolute discharge.
45	Method of proof of debts.
46	
47	
48	
49	
50	Effect of insolvency on antecedent transactions.
51	
52	
53	
54	
55	Priority of debts.
61 [except clause (a) of sub- section (1) and sub- section (4)].	
62	Dividends
63	
64	Management by and allowance to insolvent.
65	
66	Penalty for obtaining for credit by undervalued insolvent.
72	

[SCHEDULE III.]

[Enactments repealed.] Repealed by the Repealing Act, 1927 (12 of 1927).

(Part VII.—Miscellaneous. Schedule I.)

83.1 * *

(2) Where in any enactment or instrument in force at the date of the commencement of this Act, reference is made to Chapter XX (of Insolvent Judgment-debtors) of the Code of Civil Procedure, 1877², or X of 1877. of the Code of Civil Procedure, 1882², or to any section of either of those XIV of 1882. Chapters, such reference shall, so far as may be practicable, be construed as applying to this Act or to the corresponding section thereof.

SCHEDULE I.

[See section 75 (2).]

Decisions and Orders from which an appeal lies to the High Court under section 75 (2).

Section.	Nature of decision or order.
4	Decision of questions of title, priority, etc., arising in insolvency.
25	Order dismissing a petition.
26	Order awarding compensation.
27	Order of adjudication.
33	Orders regarding entries in the schedule.
35	Order annulling adjudication.
37	Order declaring the conditions on which the debtor's property shall revert to him on annulment of adjudication.
41	Order on application for discharge.
50	Order disallowing or reducing entries in the schedule.
53	Order annulling a voluntary transfer.
54	Decision that a transfer of property is a preference in favour of a creditor.
3*	* * * *

¹ Sub-section (1) was repealed by the Repealing and Amending Act, 1927 (12 of 1927).

² See now the Code of Civil Procedure, 1908 (5 of 1908).

³ The entry relating to s. 69 was repealed by the Repealing Act, 1927 (12 of 1927)

SCHEDULE II

(See section 51.)

Provisions of the Act application of which may be barred by Local Governments

Provisions of the Act	Subject
Section 26	Award of compensation
28, sub section (3)	Reputed property of an insolvent
34	Debts provable under the Act
38	Compositions and schemes of arrangement
39	
40	
42, sub sections (1) and (2)	Obligation to refuse absolute discharge
45	Method of proof of debts
46	
47	
48	
49	
50	
51	Effect of insolvency on antecedent transactions
52	
53	
54	
55	Priority of debts
61 (except clause (a) of sub-section (1) and sub-section (4))	
62	Division is
63	
64	
65	Management by an allowance to ins'trent
66	Penalty for obtaining for credit by undervalued ins'trent.
72	

[SCHEDULE III.]

[Enactments repealed] Repealed by the Repealing Act, 1927 (12 of 1927).

[25th February, 1920.]

An Act to amend the Inland Steam-vessels Act, 1917.

WHEREAS it is expedient to amend the Inland Steam-vessels Act, 1917; It is hereby enacted as follows :—

I of 1917.

Short title.

1. This Act may be called the Inland Steam-vessels (Amendment) Act, 1920.

Insertion of
new section
22A in Act I
of 1917.

2. After section 22 of the Inland Steam-vessels Act, 1917 (hereinafter referred to as the said Act), the following section shall be inserted, namely :—

Licences.

“22A. (1) The Local Government may also, in its discretion, grant—

(a) to a person who is in possession of a second-class master's certificate granted under section 21 or section 22, and has, by virtue of such certificate, acted as master of an inland steam-vessel having engines of forty or more nominal horse-power for a period of not less than five years, or

(b) to a person who is in possession of first-class engine-driver's certificate granted under section 21 or section 22, or an engine-driver's certificate granted under the Indian Steamships Act, 1884², and has, by virtue of such certificate, VII of 1884 served as an engine-driver of an inland steam-vessel having engines of not less than seventy nominal horse-power for five years, for not less than two and a half years of which period he has been the engine-driver of such vessel within the meaning of section 26,

a licence authorising such person to act as master or engineer, as the case may be, of any inland steam-vessel having engines of one hundred and seventy nominal horse-power or of such less nominal horse-power³[as such Government] may deem fit.

(2) Any such licence shall remain in force only for such time as the person holding the same is in possession of and entitled to a master's or an engine-driver's certificate, as the case may be, of the nature referred to in sub-section (1) :

¹ For Statement of Objects and Reasons, see Gazette of India, 1920, Pt. V, p. 8; and for Proceedings in Council, see *ibid.*, 1920, Pt. VI, pp. 48 and 396.

² See now the Indian Merchant Shipping Act, 1923 (21 of 1923).

³ These words were substituted for the words “as to such Government” by s. 2 and the 1st Sch. of the Repealing and Amending Act, 1923 (11 of 1923).

Provided that the Local Government may, in its discretion, suspend, cancel or vary the conditions of any such licence."

3. In section 23 of the said Act, after the word "service" the words "and every licence" shall be inserted, and after the words "entitled to the certificate" the words "or licence" shall be inserted.

Amendment
of section 23,
Act I of
1917.

4. In section 24 of the said Act, after the word "certificate" in each place where it occurs, the words "or licence" shall be inserted.

Amendment
of section 24,
Act I of
1917.

5. In section 25 of the said Act—

Amendment
of section 25,
Act I of
1917.

(1) for the word "eighty" the words "one hundred" shall be substituted,

(2) In clause (a), after the words and figures "Merchant Shipping Act, 1891," the following words shall be inserted, namely:—

"or a master's licence granted under section 22A and applicable to such vessel and voyage"

(3) At the end of clause (b) the following words shall be added, namely:—

"or an engine-driver's licence granted under section 22A and applicable to such vessel and voyage."

6. In section 26 of the said Act, for the word "thirty" the word "forty," and for the word "eighty" the words "one hundred," shall be substituted.

Amendment
of section 26,
Act I of
1917.

7. In section 27 of the said Act, for the word "thirty" the word "forty" shall be substituted.

Amendment
of section 27,
Act I of
1917.

8. After section 30 of the said Act the following section shall be inserted, namely:—

Insertion of
new
30A in Act
of 1917.

"30A. The Local Government may also make rules to regulate the granting of licences under section 22A, and may by such rules prescribe in particular—

Power of
Local
Government
to make
rules as to
grant of
licences

(a) the fees (if any) to be paid for such licences, and

(b) the forms in which such licences are to be framed and the authority by whom and the manner in which copies are to be kept and recorded under section 23."

Amendment
of section 31,
Act I of
1917.

9. (1) In section 31 of the said Act, after the word "service" where it first occurs the words "and licences" shall be inserted.

(2) In clause (ii) of the said section, after the word "serang" the words "and a licence" shall be inserted.

(3) In the provisos to the said section, after the word "certificate" in each place where it occurs, the words "or licence" shall be inserted.

Amendment
of section 59,
Act I of
1917.

10. (1) In clause (a) of section 59 of the said Act, after the words "engine-driver's certificate" the words "or a master's or engine-driver's licence" shall be inserted.

(2) In clause (b) of the said section, after the words "such certificate" the words "or licence" shall be added.

ACT No. VIII OF 1920.¹

[4th March, 1920.]

An Act to amend the Dourine Act, 1910.

WHEREAS it is expedient to amend the Dourine Act, 1910; It is V of 1910. hereby enacted as follows:—

Short title.

1. This Act may be called the Dourine (Amendment) Act, 1920.

Amendment
of section 5,
Act V of
1910.

2. In section 5 of the Dourine Act, 1910 (hereinafter referred to as the said Act),—

(1) the word "and" at the end of clause (a) shall be omitted;
and

(2) after clause (b) the following clause shall be added, namely:—

"(c) direct, by order in writing, the owner or keeper of any horse which, in the opinion of the Inspectors, is affected with dourine to remove it or permit it to be

¹ For Statement of Objects and Reasons, see Gazette of India, 1920, Pt. V, p. 56; and for Proceedings in Council, see *ibid*, 1920, Pt. VI, pp. 402 and 499

removed for the purpose of segregation to a place specified in the order, and such direction shall be sufficient authority for the detention of the horse in that place for that purpose."

3. In section 6 of the said Act, the word and letter "clause (b)" shall be omitted. Amendment
of section 6,
Act V of
1910.

4. In section 8 of the said Act—

(1) in clause (a) the word and letter "clause (b)" shall be omitted; and

(2) in clause (b)—

(a) after the words "on microscopical examination" the words "or by other scientific test" shall be inserted; and

(b) for sub-clause (ii) the following shall be substituted, namely :—

"(ii) in the case of a mare, with the previous sanction of such authority as the Local Government may appoint in this behalf, or, if so empowered by the Local Government, without such sanction, cause it to be destroyed."

5. In sub-section (2) of section 11 of the said Act—

(1) for clause (a) the following shall be substituted, namely :— Amend.
of section 11
Act V of
1910.

"(a) regulate the exercise of the powers conferred on Inspectors under section 5"; and

(2) the word "and" at the end of clause (b) and the whole of clause (c) shall be omitted.

6. For clauses (b) and (c) of section 15 of the said Act the following shall be substituted, namely :— Amend.
of section 15
Act V of
1910.

"(b) any horse in respect of which an order under clause (b) or clause (c) of section 5 is in force."

ACT No. IX OF 1920¹.

[4th March, 1920.]

An Act further to amend the law relating to Glanders and Farcy.

WHEREAS it is expedient further to amend the law relating to Glanders and Farcy; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Glanders and Farcy (Amendment) Act, 1920.

Extension of Act to camels.

2. In section 2 (2) of the Glanders and Farcy Act, 1899, the word ^{XIII of 1899.} "camels" shall be inserted between the words "to" and "asses".

Substitution of new section for s. 3, Act XIII of 1899.

3. For section 3 of the same Act the following section shall be substituted, namely:—

Application of Act to local areas by Local Government.

"3. (1) The Local Government may, by notification in the local official Gazette, apply this Act or any provision of this Act to any local area, to be specified in such notification, within the province.

(2) In any such notification the Local Government may further direct that the Act or any provision so applied shall apply in respect of—

(a) all or any of the diseases mentioned or specified in a notification under section 2, sub-section (1),

(b) all animals or any class of animals mentioned in section 2, sub-section (2)."

¹ For Statement of Objects and Reasons, see Gazette of India, 1920, Pt. V, p. 57; and for Proceedings in Council, see *ibid*, 1920, Pt. VI, pp. 403 and 499.

THE INDIAN SECURITIES ACT, 1920.

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3. Notice of trust not receivable save as provided.
4. Right of survivors of joint or several payees of Government securities.
5. Indorsements to be made on security itself.
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7. Issue of securities to rulers of States in India.
8. Indorser of Government security not liable for amount thereof.
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Issue of duplicate, renewed, converted, consolidated or sub-divided securities.

10. Issue of duplicate securities.
11. Renewal of bearer bonds.
12. Renewal of promissory notes.
13. Renewal of promissory notes in case of dispute as to title.
14. Renewal of other securities.
15. Issue of converted, etc., securities.
16. Liability in respect of promissory note renewed, etc.

Discharge.

17. Immediate discharge in certain cases.
18. Discharge in other cases.
- 18A. Discharge in respect of interest.

ACT No. IX OF 1920¹.

[4th March, 1920.]

An Act further to amend the law relating to Glanders and Farcy.

WHEREAS it is expedient further to amend the law relating to Glanders and Farcy; It is hereby enacted as follows:—

- Short title. 1. This Act may be called the Glanders and Farcy (Amendment) Act, 1920.
- Extension of Act to camels. 2. In section 2 (2) of the Glanders and Farcy Act, 1899, the word ^{XIII of 1899.} "camels" shall be inserted between the words "to" and "asses".
- Substitution of new section for s. 3, Act XIII of 1899. 3. For section 3 of the same Act the following section shall be substituted, namely:—
- Application of Act to local areas by Local Government. "3. (1) The Local Government may, by notification in the local official Gazette, apply this Act or any provision of this Act to any local area, to be specified in such notification, within the province.
- (2) In any such notification the Local Government may further direct that the Act or any provision so applied shall apply in respect of—
- (a) all or any of the diseases mentioned or specified in a notification under section 2, sub-section (1),
- (b) all animals or any class of animals mentioned in section 2, sub-section (2)."

¹ For Statement of Objects and Reasons, see Gazette of India, 1920, Pt. V, p. 57; and for Proceedings in Council, see *ibid*, 1920, Pt. VI, pp. 403 and 499.

THE INDIAN SECURITIES ACT, 1920.

CONTENTS.

SECTIONS.

1. Short title, extent and commencement
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5. Indorsements to be made on security itself
6. Holding of Government securities by holders of public offices.
7. Issue of securities to rulers of States in India.
8. Indorser of Government security not liable for amount thereof.
9. Impression of signature on Government securities.

Issue of duplicate, renewed, converted, consolidated or sub-divided securities

10. Issue of duplicate securities
11. Renewal of bearer bonds
12. Renewal of promissory notes.
13. Renewal of promissory notes in case of dispute as to title
14. Renewal of other securities
15. Issue of converted, etc., securities
16. Liability in respect of promissory note renewed, etc

Discharge.

17. Immediate discharge in certain cases
18. Discharge in other cases
- 18A. Discharge in respect of interest

SECTIONS.

Summary procedure in certain cases.

19. Procedure on death of holder of securities not exceeding an aggregate value of five thousand rupees.

Securities held by minors and lunatics.

20. Payment in case of securities held by minors and lunatics.

Indemnity.

21. Indemnity.

Inspection of registers, books and documents.

22. Inspection of documents.

Penalty.

23. Penalty.

Rules.

24. Power to make rules.

Repeals.

25. Repeals.
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ACT No X of 1920¹

[11th March, 1920]

An Act to consolidate and amend the law relating to Government securities

WHEREAS it is expedient to consolidate and amend the law relating to Government securities, It is hereby enacted as follows —

1. (1) This Act may be called the Indian Securities Act, 1920.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of British India including British Baluchistan, and

(3) It shall come into force on the first day of April 1920

2 In this Act, unless there is anything repugnant in the subject or Definitions context,—

(a) 'Government security' means promissory notes (including treasury bills) stock certificates, bearer bonds and all other securities issued by the Governor General in Council or by any Local Government in respect of any loan contracted either before or after the passing of this Act but does not include a currency note, and

(b) 'prescribed' means prescribed by rules made under this Act

3 (1) Save as otherwise provided in or under this Act no notice of any trust in respect of any Government security shall be receivable by the Government

Notice of
trust not
receivable
save as
provided

(2) The Government shall not be deemed to have received notice of any trust by reason only of the fact that it has recognised an indorsement on a Government security by an executor or administrator as such, nor shall it inquire into the terms of any will by which such executor or administrator may be bound, but on being satisfied of the disappoinment of such executor or administrator it shall be entitled to treat himself as the full owner of any Government security belonging to the estate of the person whom he represents.

¹ For Statement of Objects and Reasons see Gazette of India, Extraordinary, dated 24th Oct. 1919, p. 172. For Report of Select Committee see Gazette of India, 1920, Pt. IV, p. 22 and for Second Report of Committee see ibid. p. 174.

Right of
survivors of
joint or
several pay-
ees of
Government
securities.

4. (1) Notwithstanding anything in section 45 of the Indian Contract Act, 1872,—

IX of 1872.

(a) when a Government security is payable to two or more persons jointly, and either or any of them dies, the security shall be payable to the survivor or survivors of those persons, and

(b) when a Government security is payable to two or more persons severally, and either or any of them dies, the security shall be payable to the survivor or survivors of those persons, or to the representative of the deceased, or to any of them.

(2) This section shall apply whether such death occurred or occurs before or after this Act comes into force.

(3) Nothing herein contained shall affect any claim which any representatives of a deceased person may have against the survivor or survivors under or in respect of any security to which sub-section (1) applies.

I-1920
Indorsements
to be made
on security
itself.

5. Notwithstanding anything in section 15 of the Negotiable Instruments Act, 1881, no indorsement of a Government promissory note shall be valid unless made by the signature of the holder inscribed on the back of the security itself. XXVI of 1881.

Holding of
Government
securities by
holders of
public
offices.

6. (1) In the case of any public office to which the Governor General in Council may, by notification in the Gazette of India, declare¹ this sub-section to apply, a Government security may be made or indorsed payable to or to the order of the holder of the office by the name of the office.

(2) When a Government security is made or indorsed as aforesaid, it shall be deemed to be transferred without any or further indorsement from each holder of the office to the succeeding holder of the office on and from the date on which the latter takes charge of the office.

(3) When the holder of the office indorses to a third party a Government security made or indorsed as aforesaid, he shall subscribe the indorsement with his name and the name of the office.

(4) A writing on a Government security now or heretofore standing in the name of the holder of a public office, whereby the security has

¹For offices to which this sub-section has been applied, see Gen. R. and O. Vol. IV, pp. 530-534.

been or was made or indorsed payable to or to the order of the holder of the office by the name of the office, shall not be deemed to be or to have been invalid by reason only of the security having been so made or indorsed.

(5) This section applies as well to an office of which there are two or more joint holders as to an office of which there is a single holder.

7. Notwithstanding anything in the Negotiable Instruments Act, 1881, the Governor General in Council may, in respect of any loan, issue to the ruler of any State in India Government securities in such form and subject to such conditions as to negotiability, succession and other matters as may be prescribed.

8. Notwithstanding.

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— continued

Issue of duplicate, renewed, converted, consolidated or sub-divided securities.

10. (1) When a Government security is alleged to have been lost ^{Issue of duplicate securities.} [stolen] or destroyed either wholly or in part, and a person claims to be the person to whom but for the loss [theft] or destruction it would be payable, he may, on application to the prescribed officer, and on producing proof to his satisfaction of the loss [theft] or destruction and of the justice of the claim and on payment of the prescribed fee, if any, obtain from him an order for—

(d) the payment of interest in respect of the security said to be lost [stolen] or destroyed pending the issue of a duplicate security; and

(b) the issue of a duplicate security payable to the applicant.

1 This word was inserted by s. 2 of the Indian Recruits (Amendment) Act, 1927
[4 of 1927].

(2) An order shall not be passed under sub-section (1) until after the issue of the prescribed notification of the loss ¹[theft] or destruction.

(3) A list of the securities in respect of which an order is passed under sub-section (1) shall be published in the prescribed manner.

²[(4) If at any time before the Government becomes discharged under the provisions of this Act from liability in respect of any security the whole of which is alleged to have been lost, stolen or destroyed, such security is found, any order passed in respect thereof under this section shall be cancelled.]

Renewal of
bearer bonds,

11. The holder of a bearer bond or other Government security payable to bearer may, on application to the prescribed officer, on delivery of the bearer bond or other security, and on payment of the prescribed fee, if any, obtain from such officer a renewed bearer bond or other security, as the case may be.

Renewal of
promissory
notes.

12. Subject to the provisions of section 13, a person claiming to be entitled to a Government promissory note, may, on applying to the prescribed officer, and on satisfying him of the justice of his claim and delivering the promissory note receipted in the prescribed manner, and paying the prescribed fee, if any, obtain from such officer a renewed promissory note payable to him :

Provided that, when application is made for the renewal of a Government promissory note which appears to the prescribed officer to stand in the name of a deceased member of a Hindu undivided family governed by the *Mitakshara* law, a renewed promissory note shall not be issued to the applicant unless he furnishes a certificate signed by such authority and after such inquiry as may be prescribed to the effect that the deceased belonged to a Hindu undivided family governed by the *Mitakshara* law, that the promissory note formed part of the joint property of the family, and that the applicant is the managing or sole surviving male member of the family.

Explanation.—The expression "Hindu undivided family governed by the *Mitakshara* law" shall, for the purposes of this section, be deemed to include a *Malabar taruad*.

¹ This word was inserted by s. 2 of the Indian Securities (Amendment) Act, 1927 (21 of 1927).

² This sub-section was added, *ibid*.

13. (1) Where there is a dispute as to the title to a Government promissory note in respect of which an application for renewal has been made, the prescribed officer may—

Renewal of
promissory
notes in case
of dispute
as to title.

- (a) where any party to the dispute has obtained a final decision from a Court of competent jurisdiction declaring him to be entitled to such note, issue a renewed note in favour of such party, or
- (b) refuse to renew the note until such a decision has been obtained, or
- (c) after such inquiry as is hereinafter provided and consideration of the result thereof, declare by order in writing which of the parties is in his opinion entitled to such note and may, after the expiration of three months from the date of such declaration, issue a renewed note in favour of such party in accordance with the provisions of section 12, unless within that period he has received notice that proceedings have been instituted by any person in a Court of competent jurisdiction for the purpose of establishing a title to such note.

Explanation—For the purposes of this sub-section the expression "final decision" means a decision which is not appealable or a decision which is appealable but against which no appeal has been filed within the period of limitation allowed by law.

(2) For the purpose of the inquiry referred to in sub-section (1), the prescribed officer may himself record, or may request the District Magistrate to record or to have recorded, the whole or any part of such evidence as the parties may produce. When such request has been made to the District Magistrate, such Magistrate may himself record or may direct any Magistrate of the first class subordinate to him, or any Magistrate of the second class subordinate to him and empowered by general or special order of the Local Government in this behalf, to record the evidence, and shall forward a copy thereof to the prescribed officer.

Explanation—For the purposes of this subsection, the District Magistrate means the District Magistrate having jurisdiction in the place where interest on the promissory note is payable at 1, where interest is payable at a presidency-town, the Chief Presidency Magistrate, or at a place in a State in India, the Political Agent.

(3) The prescribed officer or any Magistrate acting under this section may, if he thinks fit, record evidence on oath.

Renewal of
other
securities.

14. Government securities other than those mentioned in sections 11 and 12 may be renewed in such circumstances and in such manner as may be prescribed.

Issue of
converted,
etc., securi-
ties.

15. (1) The prescribed officer may, subject to such conditions as may be prescribed, on the application of a person claiming to be entitled to a Government security or securities, on being satisfied of the justice of the claim and on delivery of the security or securities receipted in the prescribed manner and on payment of the prescribed fee, if any, convert, consolidate or sub-divide the security or securities, and issue to the applicant a new security or securities accordingly.

(2) The conversion, consolidation or sub-division referred to in sub-section (1) may be into a security or securities of the same or different classes or of the same or different loans.

Liability in
respect of
promissory
note
renewed,
etc.

16. (1) When a renewed Government promissory note has been issued under section 12, or a new Government promissory note has been issued upon conversion, consolidation or sub-division under section 15, in favour of any person, the note so issued shall be deemed to constitute a new contract between the Government and such person and all persons deriving title thereafter through him.

(2) No such renewal, conversion, consolidation or sub-division shall affect the rights as against the Government of any other person to the security or securities so renewed, converted, consolidated or sub-divided.

Discharge.

Immediate
discharge in
certain cases.

17. On payment by or on behalf of the Government to the holder of a bearer bond or other Government security payable to bearer of the amount expressed therein on or after the date when it becomes due, or on renewal of a bearer bond or other security payable to bearer under section 11, or on renewal of a Government promissory note under section 13, or on conversion, consolidation or sub-division of a bearer bond or other security payable to bearer under section 15, the Government shall be discharged in the same way and to the same extent as if such bearer bond, promissory note or other security were a promissory note payable to bearer :

Provided that, in the case of a Government promissory note renewed under section 13, nothing in this section shall be deemed to bar a claim against the Government in respect of such note by any person who had no notice of the proceedings under that section, or who derives title through any such person.

18 Save as otherwise provided in this Act—

Discharge
in other
cases

- (i) on payment of the amount due on a Government security on or after the date on which payment becomes due, or
- (ii) when a duplicate security has been issued under section 10, or
- (iii) when a renewed security has been issued under section 12 or section 13, or a new security or securities has or have been issued upon conversion, consolidation or subdivision under section 15,

the Government shall be discharged from all liability in respect of the security or securities so paid or in place of which a duplicate, renewed, or new security or securities has or have been issued—

- (a) in the case of payment—after the lapse of six years from the date on which payment was due,
- (b) in the case of a duplicate security—after the lapse of six years from the date of the publication under subsection (3) of section 10 of the notice in which the security is first mentioned, or from the date of the last payment of interest on the original security, whichever date is later,
- (c) in the case of a renewed security or of a new security issued upon conversion, consolidation or subdivision—after the lapse of six years from the date of the issue thereof.

[18A. Save as otherwise expressly provided in the case of a Government security, no person shall be entitled to claim or recover any amount in respect of any payment made or to be made on or after the date on which demand could have been made for the payment of the amount on such security.]

Section 19 of the Act.

19. If a person is entitled to the debt of a Government security, he shall be entitled to a certificate of title in respect of such security, and such certificate shall be valid for all purposes.

[19A. A certificate of title in respect of a Government security shall be valid for all purposes.]

securities
not exceed-
ing an
aggregate
value of five
thousand
rupees.

payable to bearer) the nominal or face value of which does not in the aggregate exceed five thousand rupees, probate of the will or letters of administration of the estate of such person or a certificate granted under the Succession Certificate Act, 1889, is not produced to the prescribed officer, such officer may, after inquiry in the manner provided in sub-sections (2) and (3) of section 13, determine who is the person entitled to the security or securities or to administer the estate of the deceased, and may—

- (a) in the case of any such security relating to a loan due for repayment, authorise payment of the amount due thereon to such person; and
- (b) in the case of any such security relating to a loan not due for repayment, authorise, in the case of a promissory note, the renewal of such promissory note in favour of such person, or, in the case of stock, the registration of the name of such person in substitution for the name of the deceased.

(2) Upon the payment or renewal of any promissory note in accordance with sub-section (1), the Government shall be discharged from all liability in respect of the note so paid or renewed; and any substitution of names made in accordance with clause (b) of sub-section (1) shall, for the purposes of any claim against the Government, be deemed to have effected a valid transfer of the stock in respect of which it was made.

(3) Any creditor or claimant against the estate of the deceased may recover his debt or claim out of money paid to any person under sub-section (1) and remaining in his hands unadministered in the same manner and to the same extent as if the said person had obtained letters of administration of the estate of the deceased, and nothing in this section shall affect any claim of an executor or administrator or other representative of the deceased against such person other than a claim to recover amounts lawfully paid by him in due course of administration of the estate of the deceased.

Securities held by minors and lunatics.

Payment in
case of secu-
rities held
by minors
and lunatics.

20. Where a Government security stands in the name of or is held by a minor or a person who is insane and incapable of managing his affairs, the interest accruing thereon, or the capital sum payable in respect thereof on the maturity or discharge of the loan, shall, where, in

the case of interest payable the nominal value of the security, or in other case the sum payable, does not exceed five thousand rupees, be paid in such manner as may be prescribed, and on any payment being so made, the Government shall notwithstanding any provision of any enactment to the contrary, be discharged from all liability in respect thereof.

Indemnity

21 Notwithstanding anything in section 10, 12, 13 or 15 the prescribed officer may in any case arising under any of those sections—

- (i) issue a duplicate or renewed security or convert, consolidate or sub-divide a security or securities upon the applicant giving the prescribed indemnity against the claims of all persons claiming under the original security or under the security or securities so renewed, converted, consolidated or sub-divided, as the case may be, or
- (ii) refuse to issue a duplicate or renewed security or to convert, consolidate or sub-divide a security or securities unless such indemnity is given.

Inspection of registers, books and documents

22 No person shall be entitled to inspect or to receive information derived from, any Government security in the possession of the Government or from any book, register or other document kept or maintained by or on behalf of Government in relation to Government securities or any Government security, save in such circumstances and manner and subject to such conditions as may be prescribed.

Inspection of documents.

Perjury

23 (1) If any person, for the purpose of obtaining for himself or herself, for any other person payment of interest or of the capital or of a sum in respect of any Government security, or the issue of a duplicate security, or the renewal, conversion, consolidation or sub-division of a Government security or securities, or to give a receipt under this Act a statement which is false and which he or she knows to be false and does not believe to be true, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both,

(2) No Court shall take cognizance of any offence under sub-section (1) save on the complaint of the authority to whom the false statement was made.

Rules.

Power to
make rules.

24. (1) The Governor General in Council may after previous publication make rules¹ to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the manner in which payment of interest in respect of Government securities is to be made and acknowledged;
- (b) the circumstances in which Government securities must be renewed before further payment of interest thereon can be claimed;
- (c) the form in which and the conditions subject to which Government securities may be issued to the rulers of States in India;
- (d) the fees to be paid in respect of the issue of duplicate securities and of the renewal, conversion, consolidation and sub-division of Government securities;
- (e) the proof which is to be produced by persons applying for duplicate securities;
- (f) the form and manner of publication of the notification mentioned in sub-section (2) of section 10 and the manner of publication of the list mentioned in sub-section (3) of that section;
- (g) the officer who is to exercise all or any of the powers and to perform all or any of the duties referred to in sections 10, 11, 12, 13, 15, 19 and 21;
- (h) the manner of making the inquiry mentioned in the proviso to section 12;
- (i) the circumstances and the manner in which securities other than securities payable to bearer or promissory notes are to be renewed;

¹ For notification publishing such rules, see Gen. B. and O., Vol. IV, p. 534.

- (j) the form in which securities delivered for discharge, renewal, conversion, consolidation or sub-division are to be received,
- (k) the conditions subject to which securities may be converted, consolidated or sub-divided,
- (l) the person to whom and the manner in which payments are to be made in respect of Government securities standing in the name of, or held by minors or persons who are insane and incapable of managing their affairs
- (m) the taking of indemnities against adverse claims of third parties from persons who receive payment of interest or of the capital sum due in respect of Government securities, or who obtain duplicate renewed converted consolidated or sub-divided securities
- (n) the manner in which any document relating to Government securities or any instrument on a Government promissory note may on the demand of any person who from any cause is unable to write be executed on his behalf
- (o) enabling holders of Government stock to be described in the registers of such stock as trustees and either as trustees of any particular trust or as trustee without qualification and for the recognition of powers of attorney granted by holders of stock so described,
- (p) the holding of Government stock by the holders of certificates in full or in part and the terms in which and the conditions subject to which such certificates may be transferred
- (q) the issue of certificates in full or in part to the holders of certificates in full or in part
- (r) the right of the holder of a certificate in full or in part to receive a new certificate in full or in part in exchange for the old certificate, and
- (s) the right of the holder of a certificate in full or in part to receive a new certificate in full or in part in exchange for the old certificate, and

Presidency-towns Insolvency (Amendment). [1920: Act XI.]

(3) Nothing in any rule made under clauses (o) and (p) shall, as between any trustees or as between any trustees and the beneficiaries under a trust, be deemed to authorise the trustees to act otherwise than in accordance with the rules of law applying to the trust and the terms of the instrument constituting the trust; and neither the Government nor any person holding or acquiring any interest in any Government stock shall by reason only of any entry in any register maintained by or on behalf of the Government in relation to any Government stock or any stockholder, or of anything in any document relating to Government stock, be affected with notice of any trust or of the fiduciary character of any stockholder or of any fiduciary obligation attaching to the holding of any Government stock.

(4) Rules made under this section shall be published in the Gazette of India, and shall thereupon have effect as if enacted in this Act.

25. [*Repeals.*] *Repealed by the Repealing Act, 1927 (12 of 1927).*

ACT No. XI of 1920.¹

[11th March, 1920.]

An Act further to amend the Presidency-towns Insolvency Act, 1909.

WHEREAS it is expedient further to amend the Presidency-towns Insolvency Act, 1909; It is hereby enacted as follows:—

III of 19

Short title.

1. This Act may be called the Presidency-towns Insolvency (Amendment) Act, 1920.

Insertion of new section 103A in Act III of 1909.

Disqualifications of insolvent.

2. After section 103 of the Presidency-towns Insolvency Act, 1909, III of 19 the following section shall be inserted, namely:—

“103A. (1) Where a debtor is adjudged or readjudged insolvent under this Act, he shall, subject to the provisions of this section, be disqualified from—

(a) being appointed or acting as a Magistrate;

(b) being elected to any office of any local authority where the appointment to such office is by election, or holding or exercising any such office to which no salary is attached; and

¹ For Statement of Objects and Reasons, see Gazette of India, 1920, Pt. V, p. 60; and for Proceedings in Council, see *ibid*, 1920, Pt. VI, pp. 491 and 734.

- (c) being elected or sitting or voting as a member of any local authority
- (2) The disqualifications which an insolvent is subject to under this section shall be removed, and shall cease if—
 - (a) the order of adjudication is annulled under sub-section (1) of section 21, or
 - (b) he obtains from the Court an order of discharge, whether absolute or conditional, with a certificate that his insolvency was caused by misfortune without any misconduct on his part
- (3) The Court may grant or refuse such certificate as it thinks fit "

ACT No XIV of 1920¹

[20th March, 1920]

An Act to provide more effectual control over the administration of Charitable and Religious Trusts.

WHEREAS it is expedient to provide facilities for the obtaining of information regarding trusts created for public purposes of a charitable or religious nature, and to enable the trustees of such trusts to obtain the directions of a Court on certain matters, and to make special provision for the payment of the expenditure incurred in certain suits against the trustees of such trusts, It is hereby enacted as follows:—

1 (1) This Act may be called the Charitable and Religious Trusts Act, 1920. Short title and extent.

(2) It extends to the whole of British India.

Provided that the Governor-General in Council may, by notification in the Gazette of India, direct that this Act, or any specified part thereof, shall not extend to any specified Province or Provinces or to any specified trust or class of trusts.

¹ The State of Hyderabad and Jeypore, the Gazette of India, 1920, Pt. V, p. 25, for Hyderabad, and the Gazette of India, 1920, Pt. V, p. 25, and for Jeypore. The Government of India, 1920, Pt. V, p. 25, and for Jeypore. The Government of India, 1920, Pt. V, p. 25, and for Jeypore. The Government of India, 1920, Pt. V, p. 25, and for Jeypore.

Interpreta-
tion.

2. In this Act, unless there is anything repugnant in the subject or context, "the Court" means the Court of the District Judge [or any other Court empowered in that behalf by the Local Government]¹ and includes the High Court in the exercise of its ordinary original civil jurisdiction.

Power to
apply to the
Court in res-
pect of trusts
of a charit-
able or reli-
gious nature.

3. Save as hereinafter provided in this Act, any person having an interest in any express or constructive trust created or existing for a public purpose of a charitable or religious nature may apply by petition to the Court within the local limits of whose jurisdiction any substantial part of the subject-matter of the trust is situate to obtain an order embodying all or any of the following directions, namely:—

(1) directing the trustee to furnish the petitioner through the Court with particulars as to the nature and objects of the trust, and of the value, condition, management and application of the subject-matter of the trust, and of the income belonging thereto, or as to any of these matters, and

(2) directing that the accounts of the trust shall be examined and audited:

Provided that no person shall apply for any such direction in respect of accounts relating to a period more than three years prior to the date of the petition.

Contents and
verification
of petition.

4. (1) The petition shall show in what way the petitioner claims to be interested in the trust, and shall specify, as far as may be, the particulars and the audit which he seeks to obtain.

(2) The petition shall be in writing and shall be signed and verified in the manner prescribed by the Code of Civil Procedure, 1908, for V of signing and verifying plaints.

Procedure on
petition.

5. (1) If the Court on receipt of a petition under section 3, after taking such evidence and making such inquiry, if any, as it may consider necessary, is of opinion that the trust to which the petition relates is a trust to which this Act applies, and that the petitioner has an interest therein, it shall fix a date for the hearing of the petition, and shall cause

¹ These words were inserted by s. 2 of the Charitable and Religious Trust (Amendment) Act, 1923 (41 of 1923).

a copy thereof, together with notice of the date so fixed, to be served on the trustee and upon any other person to whom in its opinion notice of the petition should be given

(2) On the date fixed for the hearing of the petition or on any subsequent date to which the hearing may be adjourned, the Court will proceed to hear the petitioner and the trustee, if he appears, and any other person who has appeared in consequence of the notice or who it considers ought to be heard, and shall make such further inquiries, if any, as it thinks fit. The trustee may and, if so required by the Court, shall at the time of the first hearing or within such time as the Court may permit present a written statement of his case. If he does present a written statement, the statement shall be signed and verified in the manner prescribed by the Code of Civil Procedure, 1908 for signing and verifying pleadings.

(3) If any person appears at the hearing of the petition and either denies the existence of the trust or denies that it is a trust to which this Act applies, and undertakes to institute within three months a suit for a declaration to that effect and for any other appropriate relief, the Court shall order a stay of the proceedings and, if such suit is so instituted, shall continue the stay, until the suit is finally decided.

(4) If no such undertaking is given, or if after the expiry of the three months no such suit has been instituted, the Court shall itself decide the question.

(5) On completion of the inquiry provided for in sub-section (2), the Court shall either dismiss the petition or pass thereon such other order as it thinks fit:

Provided that, where a suit has been instituted in accordance with the provisions of sub-section (3), no order shall be passed by the Court which conflicts with the final decision therein.

(6) Save as provided in this section, the Court shall not determine any question of title between the petitioner and the trustee claiming title adversely to the trust.

6. If a trustee without reasonable excuse fails to order made under sub-section (5) of section 5, such trustee shall be liable to any other penalty or liability which may be imposed under any law for the time being in force, he is deemed to be in breach of trust affording ground for a suit under

an Failure
trustee
comply
order
section 5

2

section 92 of the Code of Civil Procedure, 1908; and any such suit may, so far as it is based on such failure, be instituted without the previous consent of the Advocate General.

Powers of trustee to apply for directions.

7. (1) Save as hereinafter provided in this Act, any trustee of an express or constructive trust created or existing for public purpose of a charitable or religious nature may apply by petition to the Court, within the local limits of whose jurisdiction any substantial part of the subject-matter of the trust is situate, for the opinion, advice or direction of the Court on any question affecting the management or administration of the trust property, and the Court shall give its opinion, advice or direction, as the case may be, thereon:

Provided that the Court shall not be bound to give such opinion, advice or direction on any question which it considers to be a question not proper for summary disposal.

(2) The Court on a petition under sub-section (1), may either give its opinion, advice or direction thereon forthwith, or fix a date for the hearing of the petition, and may direct a copy thereof, together with notice of the date so fixed, to be served on such of the persons interested in the trust, or to be published for information in such manner, as it thinks fit.

(3) On any date fixed under sub-section (2) or on any subsequent date to which the hearing may be adjourned, the Court, before giving any opinion, advice or direction, shall afford a reasonable opportunity of being heard to all persons appearing in connection with the petition.

(4) A trustee stating in good faith the facts of any matter relating to the trust in a petition under sub-section (1), and acting upon the opinion, advice or direction of the Court given thereon, shall be deemed, as far as his own responsibility is concerned, to have discharged his duty as such trustee in the matter in respect of which the petition was made.

Costs of petition under this Act.

8. The costs, charges and expenses of and incidental to any petition, and all proceedings in connection therewith, under the foregoing provisions of this Act shall be in the discretion of the Court, which may direct the whole or any part of any such costs, charges and expenses to be met from the property or income of the trust in respect of which the petition is made, or to be borne and paid in such manner and by such persons as it thinks fit:

Provided that no such order shall be made against any person (other than the petitioner) who has not received notice of the petition and had a reasonable opportunity of being heard thereon

9 No petition under the foregoing provisions of this Act in relation ^{Savings} to any trust shall be entertained in any of the following circumstances, namely :—

- (a) if a suit instituted in accordance with the provisions of section 92 of the Code of Civil Procedure, 1908, is pending in respect of the trust in question,
- (b) if the trust property is vested in the Treasurer of Charitable Endowments, the Administrator-General, the Official Trustee, or any Society registered under the Societies Registration Act 1860, or
- (c) if a scheme for the administration of the trust property has been settled or approved by any Court of competent jurisdiction, or by any other authority acting under the provisions of any enactment

10 (1) In any suit instituted under section 11 of the Religious Endowments Act, 1863, or under section 92 of the Code of Civil Procedure, 1908, the Court trying such suit may, if, on application of the plaintiff and after hearing the defendant and making such inquiry as it thinks fit, it is satisfied that such an order is necessary in the public interest, direct the defendant either to furnish security for any expenditure incurred or likely to be incurred by the plaintiff in instituting and maintaining such suit, or to deposit from any money in his hands as trustees of the trust to which the suit relates such sum as such Court considers sufficient to meet such expenditure in whole or in part

Power of Courts as to costs in certain suits against trustees of charitable and religious trusts.

(2) When any money has been deposited in accordance with an order made under sub-section (1), the Court may make over to the plaintiff the whole or any part of such sum for the conduct of the suit. Before making over any sum to the plaintiff, the Court shall take security from the plaintiff for the refund of the same in the event of such refund being subsequently ordered by the Court.

11. (1) The provisions of the Code of Civil Procedure, 1908, relating to —

Provisions of the Code of Civil Procedure relating to

- (a) the proof of facts by affidavit,
- (b) the enforcing of the attendance of any person and his examination on oath,

(c) the enforcing of the production of documents, and

(d) the issuing of commissions,

shall apply to all proceedings under this Act, and the provisions relating to the service of summonses shall apply to the service of notices thereunder.

(2) The provisions of the said Code relating to the execution of decrees shall, so far as they are applicable, apply to the execution of orders under this Act.

Barring of
appeals.

12. No appeal shall lie from any order passed or against any opinion, advice or direction given under this Act.

ACT No. XV OF 1920.¹

[20th March, 1920.]

An Act to constitute an Indian Red Cross Society.

WHEREAS it is expedient to provide for the future administration of the various monies and gifts received from the public for the purpose of medical and other aid to the sick and wounded, and other purposes of a like nature during the late war, and more especially for the administration of the monies and property held by a Committee known as the Joint War Committee, Indian Branch, of the Order of St. John of Jerusalem in England and the British Red Cross Society;

And whereas it is expedient to constitute an Indian Red Cross Society with a view to the continuation in peace time, on a wider basis and with a wider purpose, of the work carried on by the said Committee during the war, and to provide for the affiliation therewith of other societies and bodies having similar objects;

It is hereby enacted as follows:—

Short title
and extent;

1. (1) This Act may be called the Indian Red Cross Society Act, 1920.

(2) It extends to the whole of British India, including British Baluchistan, the Sonthal Parganas and the District of Angul.

¹ For Statement of Objects and Reasons, see Gazette of India, 1920, Pt. V, p. 83; and for Proceedings in Council, see *ibid*, 1920, Pt. VI, pp. 511 and 830.

2. There shall be constituted by this Act a Society, to be known as the Indian Red Cross Society (hereinafter called the Society). The first members of the Society shall be nominated by persons who immediately before the commencement of this Act were members of the Joint War Committee, Indian Branch, of the Order of St. John of Jerusalem in England and the British Red Cross Society (hereinafter called the Committee) at a meeting to be summoned and held for that purpose in accordance with the usual practice of the Committee within three months from the commencement of this Act. The number of members to be so nominated shall not be less than twenty-five or more than fifty.

Constitution
of Indian
Red Cross
Society.

3. The Committee shall also at the same meeting appoint from among the members nominated under section 2 the Managing Body of the Society (hereinafter called the Managing Body), the members of which shall hold office as such until a new Managing Body is appointed as hereinafter provided. The number of members of the Managing Body shall not be less than ten or more than thirty.

Appointment
of Managing
Body.

4. The first members of the Society and all persons who may hereafter become members thereof so long as they continue so to be, are hereby constituted a body corporate under the name of the Indian Red Cross Society, and the said body shall have perpetual succession and a common seal with power to hold and acquire property, moveable and immovable, and shall sue and be sued by the said name.

Incorporation.

5. The Managing Body shall, within six months from the commencement of this Act and subject to the condition of previous publication, make rules for the management, control and procedure of the Society. The rules may provide among other matters for the following, namely:—

Power to
make rules.

- (a) the conditions of membership of the Society;
- (b) the appointment and term of office of members of the Managing Body;
- (c) the choice of representatives on international and other Committees;
- (d) representation on the Managing Body of Provincial and State Branch Committees and affiliated societies and bodies;
- (e) the constitution of Finance, Medical and other Committees and the delegation of powers to them; and

(f) the regulation of the procedure generally of the Society and Managing Body.

Dissolution
and transfer
of property
of Joint War
Committee.

6. Upon the nomination of the first members of the Society and the appointment of the Managing Body—

(a) the Committee shall be dissolved;

(b) all property, moveable or immovable, of or belonging to the Committee shall vest in the Society and shall be applied by the Managing Body to the objects and purposes hereinafter set out; and

(c) all the debts and liabilities of the Committee shall be transferred to the Society, and shall thereafter be discharged and satisfied by it out of the aforesaid property, and each and every member of the Committee shall be wholly discharged therefrom.

Purposes to
which funds
of Society
may be
applied.

7. Notwithstanding anything contained in any appeal for subscriptions or gifts to or for the purposes of the Committee, the Managing Body may in its discretion apply—

(a) either the corpus or the income or any part of such corpus or income of any property vested in it under clause (b) of section 6 for the relief of sickness, suffering or distress caused by the operation of war in India or in any other country in which Expeditionary Forces from India may, from time to time, be employed and for purposes cognate to that object and in maintaining Red Cross Depôts for military purposes;

(b) in accordance with the provisions of section 8 the income only of any such property but not the corpus or any part thereof for the relief of sickness or suffering in India, whether due to the operation of war or not, or in pursuance of any of the objects set forth in the First Schedule.

Constitution
of Branch
Committees.

8. If Branch Committees consisting of members of the Society are constituted in any of the Provinces, States and other parts of India specified in the Second Schedule, then, subject to the requirements of the Managing Body for the purposes of clause (a) of section 7 and any provision for expenses of management, the income of the property which has been vested in the Society under clause (b) of section 6 shall be distributed annually among such Branch Committees in the proportion

shown in the said Schedule, to be expended by them and at their discretion upon all or any of the objects referred to in clause (b) of section 7.

9 The Managing Body may also affiliate to the Society any other society or body having all or any of the objects and purposes referred to in section 7, and may provide for the allocation and distribution of funds, through such society or body, to or for any such objects or purposes.

Affiliation of other societies

10 The Managing Body shall have authority to determine in all cases what matters properly fall within the scope of clause (b) of section 7, and its decision in all such matters shall be binding on all Branch Committees and affiliated societies or bodies.

Decision of Managing Body as to purposes and

11. The Managing Body may also receive and hold gifts of whatsoever description either for the general purposes of the Society or for any particular purpose for which the corpus or income of the property vested in it under clause (b) of section 6 may be applied under the provisions of section 7, and on receipt of such gifts may, subject to the provisions of rules made under section 5, apply the same to such purposes, either directly or through Branch Committees, or societies or bodies affiliated under section 9.

Receipt and use of gifts.

12 Subject to the provisions of rules made under section 5, each Branch Committee shall have all power to regulate its own procedure and constitution, to receive gifts and expend all monies received by it for its purposes, either directly or through other societies or bodies.

Power of Branch Committees

FIRST SCHEDULE

(See section 7.)

Objects to which the funds of the Society may be applied

(1) The care of the sick and wounded men of His Majesty's Forces, whether still on the active list or demobilised.

(2) The care of those suffering from tuberculosis, having regard in the first place to soldiers and sailors, whether they have contracted the disease on active service or not.

(3) Child welfare.

(4) Work parties to provide the necessary farm carts, etc., for hospitals and health institutions in need of them.

(5) Assistance required in all branches of nursing, health and welfare work, ancillary to any organisations which have or may come into being in India and which are recognised by the Society.

(6) Home Service Ambulance Work.

(7) Provision of comforts and assistance to members of His Majesty's Forces, whether on the active list or demobilised.

(8) Such other cognate objects as may, from time to time, be approved by the Society.

(9) The expenses of management of the Society and its branches and affiliated societies and bodies.

(10) The representation of the Society on or at International or other Committees formed for furthering objects similar to those of the Society.

SECOND SCHEDULE.

(See section 8.)

Statement showing contributions made by Provinces and States in India to the Central "Our Day" Fund and the approximate percentage of their claim on the interest on the capital fund of the Joint War Committee, Indian Branch.

Names of Provinces, States, etc.	Amount of contribution.	Approximate percentage of claim on the interest of Capital Fund.
	Lakhs.	
United Provinces	15	18
Bombay	10	12
Bengal	10	12
Punjab	11	13
Burma	6	7
Central Provinces	4	4.5
Bihar and Orissa	5½	6
Rajputana	4	4.5
Madras	6	7
Central India	3½	3.5
North-West Frontier	2½	2.5
Hyderabad	3	3.5
Assam	1¼	1.5
Baluchistan	1¼	1.5
Mysore	1¼	1.5
Kashmir	1	1
Baroda	½	.5
Delhi	⅔	.5

ACT No. XX OF 1920¹

[23rd March, 1920]

An Act to consolidate and amend the law relating to the suspension of sentences passed by Courts-martial under the Indian Army Act, 1911.

WHEREAS it is expedient to consolidate and amend the law relating to the suspension of sentences of imprisonment or transportation passed by Courts-martial on persons subject to the Indian Army Act, 1911; It is hereby enacted as follows:—

1 This Act may be called the Indian Army (Suspension of Sentences) Act, 1920, and shall be construed as one with the principal Act;²

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "committed" means committed to prison or to confinement in military custody;

(b) "competent military authority" means superior military authority, or any general or other officer not below the rank of field officer duly authorised by a superior military authority;

(c) "imprisonment" includes confinement in military custody.

(d) "principal Act" means the Indian Army Act, 1911;

(e) "sentence" means a sentence of transportation or imprisonment, whether originally passed on a person subject to the principal Act, or passed by way of reduction or commutation, and "sentenced" has the corresponding meanings;

(f) "superior military authority" means the Commander in Chief in India or any officer empowered under the principal Act to convene general Courts-martial or summary general Courts-martial.

3 (1) Where a person subject to the principal Act is sentenced, the confirmation of the sentence shall be confirmed by the superior military authority, in the case of a sentence which does not require confirmation, the officer holding the

¹ For Statement of Objects and Reasons, see Gazette of India, 1920, Pt. V, p. 121 and for Proceedings in Council, see ibid. 1920, Pt. VI, pp. 243 & 294.

trial or the President of the Court-martial when passing sentence may, notwithstanding anything in the principal Act, direct that such person be not committed until the orders of a superior military authority have been obtained.

(2) A superior military authority may, in the case of any such offender so sentenced,—

(a) direct that, until his orders have been obtained, such offender shall not be committed; and

(b) suspend the sentence whether or not the offender has already been committed.

(3) Where, in accordance with any order passed under sub-section (2), a sentence is suspended, the offender shall, whether he has been committed or not, forthwith be released.

Calculation
of periods
of sentence
under sus-
pension.

4. Any period during which a sentence is under suspension shall be reckoned as part of the term of such sentence.

Power to
set aside
suspension
or order
remission.

5. A superior military authority may, at any time whilst a sentence is suspended under this Act, order—

(a) that the offender be committed to undergo the unexpired portion of the sentence, or

(b) that the sentence be remitted.

Periodical
review of
suspended
sentences.

6. Where a sentence has been suspended under this Act, the case may at any time, and shall at intervals of not more than four months, be reconsidered by a competent military authority, and if, on any such reconsideration, it appears to such authority that the conduct of the offender since his conviction has been such as to justify a remission of the sentence, he shall, if he is not also a superior military authority, refer the case to a superior military authority.

Procedure
on further
sentence of
offender
whose sen-
tence is sus-
pended.

7. Where an offender, while a sentence on him is suspended under this Act, is sentenced for any other offence, then—

(a) if the further sentence is also suspended under this Act, the two sentences shall run concurrently;

(b) if the further sentence is for a period of three months or more and is not suspended under this Act, the offender shall also be committed on the unexpired portion of the previous sentence, but both sentences shall run concurrently; and

(c) if the further sentence is for a period of three months or less and is not suspended under this Act, the offender shall be committed on that sentence only, and the previous sentence shall (subject to any order which may be passed under section 5 or section 6) continue to be suspended

8 The powers conferred by this Act shall be in addition to, and not in derogation of, any powers as to the mitigation, remission or commutation of sentences conferred by the principal Act, and a superior military authority shall, as regards persons subject to that Act, be an authority having power to mitigate, remit or commute sentences under section 112 of that Act having of section 112 Act VIII of 1911

9 Where in addition to any other sentence the punishment of dismissal has been awarded by a Court-martial, and such other sentence is suspended under this Act, then, notwithstanding anything contained in the principal Act or in any rules made thereunder, such dismissal shall not take effect until so ordered by a superior military authority Provision as to dismissal

Provided that, if a sentence is remitted under this Act, the punishment of dismissal shall also be remitted

10. [Repeal of Act II of 1917] Repealed by the Repealing Act, 1927 (12 of 1927)

ACT No XXII of 1920¹

[31st August, 1920]

An Act further to amend the Lepers Act, 1898.

WHEREAS it is expedient further to amend the Lepers Act, 1898; It is hereby enacted as follows:—

1. This Act may be called the Lepers (Amendment) Act, 1920. Section 1.

2. In sub-section (4) of section 1 of the Lepers Act, 1898 (hereinafter referred to as the said Act), the words "and may in like manner amend or cancel any such notification" shall be omitted Amendment of section 1, Act III of 1924.

3. In clause (1) of section 2 of the said Act, the words "in whom the process of ulceration has commenced" shall be omitted Amendment of section 2, Act III of 1924.

¹ For Statement of Objects and Reasons, see Gazette of India, 1920, Pt. V, p. 831 and for Proceeding in Council, see *ibid.*, 1920, Pt. VI, pp. 730 and 171.

trial or the President of the Court-martial when passing sentence may, notwithstanding anything in the principal Act, direct that such person be not committed until the orders of a superior military authority have been obtained.

(2) A superior military authority may, in the case of any such offender so sentenced,—

(a) direct that, until his orders have been obtained, such offender shall not be committed; and

(b) suspend the sentence whether or not the offender has already been committed.

(3) Where, in accordance with any order passed under sub-section (2), a sentence is suspended, the offender shall, whether he has been committed or not, forthwith be released.

Calculation
of periods
of sentence
under sus-
pension.

4. Any period during which a sentence is under suspension shall be reckoned as part of the term of such sentence.

Power to
set aside
suspension
or order
remission.

5. A superior military authority may, at any time whilst a sentence is suspended under this Act, order—

(a) that the offender be committed to undergo the unexpired portion of the sentence, or

(b) that the sentence be remitted.

Periodical
review of
suspended
sentences.

6. Where a sentence has been suspended under this Act, the case may at any time, and shall at intervals of not more than four months, be reconsidered by a competent military authority, and if, on any such reconsideration, it appears to such authority that the conduct of the offender since his conviction has been such as to justify a remission of the sentence, he shall, if he is not also a superior military authority, refer the case to a superior military authority.

Procedure
on further
sentence of
offender
whose sen-
tence is sus-
pended.

7. Where an offender, while a sentence on him is suspended under this Act, is sentenced for any other offence, then—

(a) if the further sentence is also suspended under this Act, the two sentences shall run concurrently;

(b) if the further sentence is for a period of three months or more and is not suspended under this Act, the offender shall also be committed on the unexpired portion of the previous sentence, but both sentences shall run concurrently; and

(c) if the further sentence is for a period of three months or less and is not suspended under this Act, the offender shall be committed on that sentence only, and the previous sentence shall (subject to any order which may be passed under section 5 or section 6) continue to be suspended

8 The powers conferred by this Act shall be in addition to, and not in derogation of, any powers as to the mitigation, remission or commutation of sentences conferred by the principal Act, and a superior military authority shall, in regards persons subject to that Act, be an authority having power to mitigate, remit or commute sentences under section 112 of that Act Having of section 112 Act VIII of 1911

9 Where in addition to any other sentence the punishment of dismissal has been awarded by a Court martial, and such other sentence is suspended under this Act, then, notwithstanding anything contained in the principal Act or in any rules made thereunder, such dismissal shall not take effect until so ordered by a superior military authority. Provide as to dismissal

Provided that, if a sentence is remitted under this Act, the punishment of dismissal shall also be remitted

10. [Repeal of Act II of 1917] Repealed by the Repealing Act, 1927 (12 of 1927)

ACT No XXII of 1920¹

[31st August, 1920]

An Act further to amend the Lepers Act, 1898

WHEREAS it is expedient further to amend the Lepers Act, 1898; It is hereby enacted as follows:—

1. This Act may be called the Lepers (Amendment) Act, 1920 Short title.

2 In sub-section (4) of section 1 of the Lepers Act, 1898 (hereinafter referred to as the said Act) the words "and in like manner" shall be omitted Amendment of section 1, Act VIII of 1911

3 In clause (1) of section 2 of the said Act, the words "in whom the process of ulceration has commenced" shall be omitted Amendment of section 2, Act VIII of 1911

¹ For Statement of Objects and Reasons, see Gazette of India, 1920, Pt. V, p. 83; and for Proceedings in Council, see ibid. 1920, Pt. VI, pp. 730 and 1741.

Substitution
of new sec-
tion for sec-
tion 3, Act
III of 1898.
Appointment
of leper
asylums by
Local Go-
vernment.

4. For section 3 of the said Act the following section shall be substituted, namely :—

“3. The Local Government may, by notification in the official Gazette, appoint any place to be a leper asylum if it is satisfied that adequate arrangements have been made or will be made for the accommodation and medical treatment of lepers therein, and may, by a like notification, specify the local areas from which lepers may be sent to such asylum.”

Amendment
of section 6,
Act III of
1898.

5. In section 6 of the said Act—

(a) in sub-section (1), after the words “any police officer” the words “or any other person specially empowered by the Local Government by order in writing in this behalf” shall be inserted; and

(b) in sub-section (2), after the words “such police officer” the words “or other person” shall be inserted.

Amendment
of section 12,
Act III of
1898.

6. In section 12 of the said Act, for the words “by any police officer without a warrant,” the words “without a warrant by any police officer or by any other person especially empowered by the Local Government by order in writing in this behalf” shall be substituted.

ACT No. XXIII OF 1920.¹

[31st August, 1920.]

An Act to provide for the better discipline of Police officers enrolled in Military Police or Rifle Battalions.

WHEREAS it is expedient to provide for the better discipline of Police officers enrolled under local Acts in Military Police or Rifle Battalions; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Rifles Act, 1920.

Police
officers
subject to
discipline
and penalties
prescribed in
local Acts
wherever
serving.

2. All Police officers enrolled under the provisions of any local Military Police or Rifles Act shall be subject to the discipline and penalties prescribed by such Act, wherever serving in India.

¹ For Statement of Objects and Reasons, see Gazette of India, 1920, Pt. V, p. 158; and for Proceedings in Council, see *ibid.*, 1920, Pt. VI, pp. 1001 and 1082.

ACT No. XXIV of 1920¹

[31st August, 1920.]

An Act further to amend the Code of Civil Procedure, 1908.

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908; It is hereby enacted as follows:—

1. This Act may be called the Code of Civil Procedure (Amendment) Act, 1920

2. For sub-rule (1) of rule 5 of Order IX in the First Schedule to the Code of Civil Procedure, 1908, the following shall be substituted namely:—

Amendment
of rule 5 of
Order IX in
Sch. I Act
of 1908

“(1) Where, after a summons has been issued to the defendant, or to one of several defendants, and returned unserved, the plaintiff fails, for a period of three months from the date of the return made to the Court by the officer ordinarily certifying to the Court returns made by the serving officers, to apply for the issue of a fresh summons the Court shall make an order that the suit be dismissed as against such defendant, unless the plaintiff has within the said period satisfied the Court that—

(a) he has failed after using his best endeavours to discover the residence of the defendant who has not been served, or

(b) such defendant is avoiding service of process, or

(c) there is any other sufficient cause for extending the time,

in which case the Court may extend the time for making such application for such period as it thinks fit.”

ACT No. XXV of 1920.²

[31st Aug. 1921]

An Act further to amend the Negotiable Instruments Act, 1881.

WHEREAS it is expedient further to amend the Negotiable Instruments Act, 1881; It is hereby enacted as follows:—

1. This Act may be called the Negotiable Instruments (Amendment) Act, 1920.

¹ For Statement of Objects and Reasons see Gazette of India, 1920, Pt. V, p. 159, and for Proceedings in Council see ibid., 1920, Pt. VI, pp. 177 and 178.

² For Statement of Objects and Reasons see Gazette of India, 1921, Pt. V, p. 159, and for Proceedings in Council see ibid. 1921, Pt. VI, pp. 172 and 173.

*Indian Limitation and Code of Civil
Procedure (Amendment).* [1920: Act XXVI.]

Insertion of
new section
75A in Act
XXVI of
1881.

2. After section 75 of the Negotiable Instruments Act, 1881, the following section shall be inserted, namely :—

XXVI of
1881.

Excuse for
delay in
presentment
for payment.

“ 75A. Delay in presentment for payment is excused if the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, presentment must be made within a reasonable time.”

ACT No. XXVI OF 1920.¹

[2nd September, 1920.]

An Act further to amend the Indian Limitation Act, 1908, and
the Code of Civil Procedure, 1908.

WHEREAS it is expedient further to amend the Indian Limitation Act, IX of 1908, 1908, and the Code of Civil Procedure, 1908; It is hereby enacted as V of 1908. follows :—

Short title
and com-
mencement.

1. (1) This Act may be called the Indian Limitation and Code of Civil Procedure (Amendment) Act, 1920.

(2) It shall come into force on the first day of January, 1921.

Amendment
of Articles
176 to 179
of First
Schedule to
Act IX,
1908.

2[2. In the Third Division of the First Schedule to the Indian Limitation Act, 1908, in Articles 176, 177 and 179, for each of the IX of 1908. entries in the second column the entry “ ninety days ” shall be substituted, and in Article 178, for the entry in the second column the entry “ six months ” shall be substituted.]

Amendment
of rule 7(1)
of Order
XLV of First
Schedule to
Act V, 1908.

3. In sub-rule (1) of rule 7 of Order XLV of the First Schedule to the Code of Civil Procedure, 1908 (hereinafter referred to as the said V of 1908. Code), the following amendments shall be made, namely :—

(i) for the words “ six months ” the following words shall be substituted, namely :—

“ ninety days or such further period, not exceeding sixty days, as the Court may upon cause shown allow ”;

(ii) after the word “ security ” the words “ in cash or in Government securities ” shall be inserted;

¹ For Statement of Objects and Reasons, see Gazette of India, 1920, Pt. V, p. 156; and for Proceedings in Council, see *ibid.*, 1920, Pt. VI, pp. 1000 and 1105.

² This section was substituted for original section 2 by s. 2 and Sch. I of the Repealing and Amending Act, 1923 (11 of 1923).

(in) at the end of the sub rule the following proviso shall be added, namely —

Provided that the Court at the time of granting the certificate may, after hearing any opposite party who appears order on the ground of special hardship that some other form of security may be furnished

Provided, further, that no adjournment shall be granted to an opposite party to contest the nature of such security "

4 After rule 9 of Order XLV of the First Schedule to the said Code, the following rule shall be inserted, namely —

Insertion of new rule 9A in Order XLV of the First Schedule to Act V, 1906.

9A Nothing in the rules requiring any notice to be served on or given to an opposite party or respondent shall be deemed to require any notice to be served on or given to the legal representative of any deceased opposite party or deceased respondent in a case where such opposite party or respondent did not appear either at the hearing in the Court whose decree is complained of or at any proceedings subsequent to the decree of that Court

Power to dispense with notices in case of death of parties

Provided that notices under sub rule (2) of rule 3 and under rule 6 shall be given by affixing the same in some conspicuous place in the Court house of the Judge of the District in which the suit was originally brought, and by publication in such newspapers as the Court may direct "

5 To rule 15 of Order XLV of the First Schedule to the said Code, the following sub rule shall be added, namely —

Addition to rule 15 of Order XLV of Act V, 1906.

" (f) Rules His Majesty in Council is pleased otherwise to direct, no order of His Majesty in Council shall be imperative on the ground that no notice has been served on or given to the legal representative of any deceased opposite party or deceased respondent in a case where such opposite party or respondent did not appear either at the hearing in the Court whose decree was complained of or at any proceedings subsequent to the decree of that Court, but such order shall have the same force and effect as if it had been made before the death took place "

ACT No. XXVII OF 1920.¹

[2nd September, 1920.]

An Act further to amend the Indian Motor Vehicles Act, 1914.

WHEREAS it is expedient further to amend the Indian Motor Vehicles Act, 1914; It is hereby enacted as follows :—

VIII of 1914.

Short title.

1. This Act may be called the Indian Motor Vehicles (Amendment) Act, 1920.

Amendment
of section
11, Act VIII
of 1914.

2. In sub-section (2) of section 11 of the Indian Motor Vehicles Act, 1914 (hereinafter referred to as the said Act), after clause (d), the following clause shall be inserted, namely :—

VIII of 1914.

“(dd) prescribing the authority by which, and the conditions and limitations subject to which, licences may be suspended or cancelled;”.

Amendment
of section
18, Act VIII
of 1914.

3. After sub-section (1) of section 18 of the said Act the following sub-section shall be inserted, namely :—

“(1A) The prescribed authority may, subject to such conditions and limitations as may be prescribed, cancel or suspend any licence granted under this Act.”

ACT No. XXIX OF 1920.²

[2nd September, 1920.]

An Act further to amend the Indian Patents and Designs Act, 1911.

WHEREAS it is expedient further to amend the Indian Patents and Designs Act, 1911; It is hereby enacted as follows :—

II of 1911.

Short title.

1. This Act may be called the Indian Patents and Designs (Amendment) Act, 1920.

¹ For Statement of Objects and Reasons, see Gazette of India, 1920, Pt. V, p. 157; and for Proceedings in Council, see *ibid*, 1920, Pt. VI, pp. 1000 and 1106.

² For Statement of Objects and Reasons, see Gazette of India, 1920, Pt. V, p. 166; and for Proceedings in Council, see *ibid*, 1920, Pt. VI, pp. 1040 and 1106.

2. After section 78 of the Indian Patents and Designs Act, 1911, the following heading and section shall be inserted, namely:—

*Insertion of
new section
78A in Act
II of 1911.*

*"Reciprocal arrangements with the United Kingdom and other parts of
His Majesty's Dominions.*

78A. (1) If His Majesty is pleased by Order in Council to apply such of the provisions of section 91 of the Patents and Designs Act, 1907, as relate to inventions or designs, to British India, then any person who has applied for protection for any invention or design in the United Kingdom, shall be entitled to a patent for his invention or to registration of his design under this Act, in priority to other applicants; and the patent or registration shall have the same date as the date of the application in the United Kingdom:

*Reciprocal
arrange-
ments with
the United
Kingdom
and other
parts of His
Majesty's
dominions.*

Provided that—

(a) the application is made in the case of a patent within twelve months, and, in the case of a design within four months from the application for protection in the United Kingdom; and

(b) nothing in this section shall entitle the patentee or the proprietor of the design to recover damages for infringements happening prior to the actual date on which, in the case of a patent, his application is accepted, or, in the case of a design, the design is registered, in British India

(2) The patent granted for an invention or the registration of a design shall not be invalidated—

(a) in the case of a patent, by reason only of the publication of a description of, or use of, the invention, or

(b) in the case of a design, by reason only of the exhibition or use of, or the publication of a description or representation of, the design,

in British India during the period specified in this section as that within which the application may be made.

(3) The application for the grant of a patent or the registration of a design under this section must be made in the same manner as an ordinary application under this Act:

Provided that, in the case of a patent, if the application is not accepted within twelve months from the date of the application for protection in the United Kingdom, the specification and the drawings (if any) supplied therewith shall be open to public inspection at the expiration of that period.

(4) Where it is made to appear to the Governor General in Council that the legislature of any other part of His Majesty's dominions has made satisfactory provision for the protection of inventions or designs, patented or registered in British India, the Governor General in Council may, by notification in the Gazette of India, direct that the provisions of this section, with such variations or additions, if any, as may be set out in such notification, shall apply for the protection of inventions or designs, patented or registered in that part of His Majesty's dominions."

ACT No. XXXI of 1920.¹

[2nd September, 1920.]

An Act to amend certain enactments and to repeal certain other enactments.

WHEREAS it is expedient that certain amendments should be made in the enactments specified in the First Schedule;

And whereas it is also expedient that certain enactments specified in the Second Schedule which are spent or have otherwise become unnecessary, or have ceased to be in force otherwise than by express specific repeal, should be expressly and specifically repealed;

It is hereby enacted as follows :—

Short title. 1. This Act may be called the Repealing and Amending Act, 1920.

Amendment of certain enactments. 2. The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

3. [Repeal of certain enactments.] Repealed by the Repealing Act, 1927 (12 of 1927).

4. [Savings.] Repealed by the Repealing Act, 1927 (12 of 1927).

¹ For Statement of Objects and Reasons, see Gazette of India, 1920, Pt. V, p. 170; and for Proceedings in Council, see *ibid*, 1920, Pt. VI, pp. 1041 and 1107.

THE FIRST SCHEDULE.

AMENDMENTS.
(See section 2.)

Year.	No.	Short title.	Amendments.
1852	II	The Indian Trusts Act, 1852.	In clause (a) of section 20, after the word "accounting" the words "of any Local Government or" shall be inserted. After section 30 the following section shall be inserted, namely:— "31. In any enactment made by any authority in British India before the date on which section 3 of the Government of India Act, 1919, comes into operation, and in any rule, order, notification, scheme, bye law or other document made under or with reference to any such enactment, any reference by whatever form of words to an authority authorized by law, at the time the enactment was made, to administer executive government in any part of British India shall, where a corresponding new authority has been constituted by the Government of India Act, 1919, be construed for all purposes, after the above mentioned date, as a reference to such new authority."
1897	X	The General Clauses Act, 1897.	
1914	X	The Repealing and Amending Act, 1914.	In the First Schedule, for the short title "The Indian Air ships Act, 1911," in the third column against Act XVII of 1911 the following shall be substituted, namely:—"The Indian Aircraft Act, 1911."
1920	XVIII	The Dacca University Act, 1920.	In section 45, for the words from "Every such arbitration" to the end of the section the following shall be substituted, namely:—"Every such request shall be deemed to be a submission to arbitration upon the terms of this section, within the meaning of the Indian Arbitration Act, 1922, and all the provisions of that Act, with the exception of section 2 thereof, shall apply accordingly." In sub-section (1) of section 46, for the words "a person or persons" the following shall be substituted, namely:—"such person and persons and funds as it may deem fit."

¹ The entry relating to Act 17 of 1914 was repealed by the Repealing Act 1922 (12 of 1922).

² The entry relating to the Super-tax Act 1922 (12 of 1922) was repealed by s. 63 and Sch. of the Indian Income-tax Act, 1922 (11 of 1922).

[THE SECOND SCHEDULE.]

[Repeals.] Repealed by the Repealing Act, 1927 (12 of 1927.)

ACT No. XXXII of 1920.¹

[2nd September, 1920.]

An Act to amend the Post Office Cash Certificates Act, 1917.

WHEREAS it is expedient to amend the Post Office Cash Certificates Act, 1917; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Post Office Cash Certificates (Amendment) Act, 1920.

Amendment
of section 2
of Act
XVIII of
1917.

2. In sub-section (1) of section 2 of the Post Office Cash Certificates Act, 1917, for the words " the Post Master General for the area in which the post office of issue is situate " the words " an officer of the Post Office authorised by general or special order of the Governor General in Council in that behalf " shall be substituted.

Amendment
of section 3
of Act
XVIII of
1917.

3. In sub-section (1) of section 3 of the Post Office Cash Certificates Act, 1917, after the words " in such a Bank " the following words shall be inserted, namely:—

" and as if for the words ' three thousand ' in sections 4 and 8 of the said Act the words ' five thousand ' were substituted."

ACT No. XXXIII of 1920.²

[9th September, 1920.]

An Act to authorise the taking of measurements and photographs of convicts and others.

WHEREAS it is expedient to authorise the taking of measurements and photographs of convicts and others; It is hereby enacted as follows:—

Short title
and extent.

1. (1) This Act may be called the Identification of Prisoners Act, 1920; and

¹ For Statement of Objects and Reasons, see Gazette of India, 1920, Pt. V, p. 172; and for Proceedings in Council, see *ibid*, 1920, Pt. VI, pp. 1042 and 1107.

² For Statement of Objects and Reasons, see Gazette of India, 1920, Pt. V, p. 162; and for Proceedings in Council, see *ibid*, 1920, Pt. VI, pp. 1037 and 1143.

(2) It extends to the whole of British India, including British Baluchistan, the South Malabar and the district of Angul.

12 In this Act, unless there is anything repugnant in the subject or *Drda* notes, context,—

(a) "measurements" include finger impressions and foot print impressions,

(b) "police officer" means an officer in charge of a police-station, a police officer making an investigation under Chapter XIV of the Code of Criminal Procedure, 1893, or any other police officer not below the rank of sub-inspector, and

(c) "prescribed" means prescribed by rules made under this Act.

3. Every person who has been—

(a) convicted of any offence punishable with rigorous imprisonment for a term of one year or upwards, or of any offence which would render him liable to enhanced punishment on a subsequent conviction, or

Taking of measurements of convicted persons

(b) ordered to give security for his good behaviour under section 118 of the Code of Criminal Procedure, 1893,

shall, if so required, allow his measurements and photograph to be taken by a police officer in the prescribed manner.

4. Any person who has been arrested in connection with an offence punishable with rigorous imprisonment for a term of one year or upwards shall, if so required by a police officer, allow his measurements to be taken in the prescribed manner.

Taking of measurements of persons arrested in connection with an offence

15 If a Magistrate is satisfied that, for the purpose of any investigation or proceeding under the Code of Criminal Procedure, 1893, it is expedient to direct any person to allow his measurements or photograph to be taken, he may make an order to that effect, and in that case the person to whom the order relates shall be produced or shall attend at the time and place specified in the order and shall allow his measurements or photograph to be taken, as the case may be, by a police officer.

Taking of measurements of persons arrested in connection with an offence

16 Sections 3 and 4 of this Act have been amended by the Amendment Act 1920 of the Government of Madras (Madras Amendment Act 1920 of the Government of Madras).

Provided that no order shall be made directing any person to be photographed except by a Magistrate of the first class :

Provided, further, that no order shall be made under this section unless the person has at some time been arrested in connection with such investigation or proceeding.

Resistance
to the taking
of measure-
ments, etc.

6. (1) If any person who under this Act is required to allow his measurements or photograph to be taken resists or refuses to allow the taking of the same, it shall be lawful to use all means necessary to secure the taking thereof.

(2) Resistance to or refusal to allow the taking of measurements or photographs under this Act shall be deemed to be an offence under section 186 of the Indian Penal Code.

XLV of
1860.

Destruction
of photo-
graphs and
records of
measure-
ments, etc.,
on acquittal.

17. Where any person who, not having been previously convicted of an offence punishable with rigorous imprisonment for a term of one year or upwards, has had his measurements taken or has been photographed in accordance with the provisions of this Act is released without trial or discharged or acquitted by any Court, all measurements and all photographs (both negatives and copies) so taken shall, unless the Court or (in a case where such person is released without trial) the District Magistrate or Sub-Divisional Officer for reasons to be recorded in writing otherwise directs, be destroyed or made over to him.

Power to
make rules.

8. (1) The Local Government may make rules² for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for—

- (a) restrictions on the taking of photographs of persons under section 5 ;
- (b) the places at which measurements and photographs may be taken ;
- (c) the nature of the measurements that may be taken ;
- (d) the method in which any class or classes of measurements shall be taken ;

¹ See footnote to section 2.

² For such rules for Assam, see Assam Gazette, 1925, Pt. II, p. 689.

(e) the dress to be worn by a person when being photographed under section 3, and

(f) the preservation, safe custody, destruction and disposal of records of measurements and photographs

9. No suit or other proceeding shall lie against any person for anything done, or intended to be done, in good faith under this Act or under any rule made thereunder

ACT No XXXIV of 1920

[9th September 1920]

An Act to take power to require passports of persons entering British India

WHEREAS it is expedient to take power to require passports of persons entering British India, It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Passport Act, 1920

Short title
and extent

(2) It shall extend to the whole of British India, including British Baluchistan, the South-West Parganas and the district of Angul

2. In this Act, unless there is anything repugnant in the subject or in the context,—

'entry' means entry by water, land or air

'passport' means a passport for the time being in force and renewed by the prescribed authority and satisfying the conditions prescribed relating to the class of passports to which it belongs, and

'prescribed' means prescribed by rules made under this Act

3. (1) The Governor General in Council may make rules requiring that persons entering British India shall be in possession of a passport, and for all matters ancillary or incidental to the foregoing

Power to
make rules

11 & 52, *Journal of the Government of India*, Vol. 46, Pt. 1, p. 127, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

(2) Without prejudice to the generality of the foregoing power such rules may—

- (a) prohibit the entry into British India or any part thereof of any person who has not in his possession a passport issued to him;
- (b) prescribe the authorities by whom passports must have been issued or renewed, and the conditions with which they must comply, for the purposes of this Act; and
- (c) provide for the exemption, either absolutely or on any condition, of any person or class of persons from any provision of such rules.

(3) Rules made under this section may provide that any contravention thereof or of any order issued under the authority of any such rule shall be punishable with imprisonment for a term which may extend to three months, or with fine or with both.

(4) All rules made under this section shall be published in the Gazette of India, and shall thereupon have effect as if enacted in this Act.

Power of
arrest.

4. (1) Any officer of police, not below the rank of a sub-inspector, and any officer of the Customs Department empowered by a general or special order of the Local Government in this behalf may arrest without warrant any person who has contravened or against whom a reasonable suspicion exists that he has contravened any rule or order made under section 3.

(2) Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case or to the officer in charge of the nearest police-station and the provisions of section 61 of the Code of Criminal Procedure, 1898, shall, so far as may be, apply in the case of any such arrest.

Power of
removal.

5. The Local Government may, by general or special order, direct the removal of any person from British India who, in contravention of any rule made under section 3 prohibiting entry into British India without passport, has entered therein, and thereupon any officer of Government shall have all reasonable powers necessary to enforce such direction.

ACT No. XXXVII of 1920.¹

[29th September, 1920.]

An Act further to amend the Indian Army Act, 1911.

WHEREAS it is expedient further to amend the Indian Army Act, 1911; It is hereby enacted as follows —

1. This Act may be called the Indian Army (Amendment) Act, 1920. Short title

2. In sub-section (2) of section 20 of the Indian Army Act, 1911 Amendment
of section 20
of Act VIII
of 1911
(hereinafter referred to as the said Act),—

(1) for the words "Imprisonment in military custody may be specified as such a minor punishment" the words "Imprisonment in military custody and, in the case of persons subject to this Act on active service, any prescribed field punishment may be specified as minor punishments" shall be substituted; and

(2) in clause (a), after the words "imprisonment" the words "or field punishment" shall be inserted.

3. In section 24 of the said Act—

Amendment
of section 24
of Act VIII
of 1911.

(1) to sub-section (1) the words "He may at any time arrest and detain for trial any person subject to this Act who commits an offence and may also carry into effect any punishments to be inflicted in pursuance of the sentence of a court-martial" shall be added, and

(2) for sub-sections (2) and (3) the following sub-section shall be substituted, namely:—

"(2) A provost-marshal may punish with any punishment mentioned in section 22, sub-section (1), clause (b), any follower who is subject to this Act under section 2, sub-section (1), clause (c), and is a menial servant and who on active service and in his view, or in the view of any of his assistants, commits any breach of good order and military discipline."

¹ For Statement of Objects and Reasons, see Gazette of India, 1920, Pt. V, p. 229; and for Proceedings in Council, see *ibid.*, 1920, Pt. VI, pp. 1167 and 1168.

Amendment
of section 41
of Act VIII
of 1911.

4. In section 41 of the said Act—

(1) in clause (a) after the word "punishment," and

(2) in clause (b) after the word "punishment," where it first occurs,

the words "other than whipping" shall be inserted.

Substitution
of new sec-
tion for sec-
tion 45 of
Act VIII of
1911.

5. For section 45 of the said Act the following section shall be substituted, namely:—

Field
punishment.

"45. Where any person, subject to this Act and under the rank of warrant officer, on active service is guilty of any offence, it shall be lawful for a court-martial to award for that offence any such punishment, other than flogging, as may be prescribed as a field punishment. Field punishment shall be of the character of personal restraint or of hard labour but shall not be of a nature to cause injury to life or limb."

Amendment
of sections
46 and 49 of
Act VIII of
1911.

6. In sections 46 and 49 of the said Act, for the words "corporal punishment" the words "field punishment" shall be substituted.

Amendment
of section 50
of Act VIII
of 1911.

7. In section 50 of the said Act—

(1) to clause (a) the words "or of field punishment awarded by a court-martial or such officer" shall be added; and

(2) in clause (b) after the words "imprisonment" the words "or field punishment" shall be inserted.

Substitution
of new sec-
tion for sec-
tion 67 of
Act VIII of
1911.
Limitation
of trial.

8. For section 67 of the said Act the following section shall be substituted, namely:—

"67. No trial by court-martial of any person subject to this Act for any offence (other than an offence of mutiny, desertion or fraudulent enrolment) shall be commenced after the expiration of three years from the date of such offence, and no such trial for an offence of desertion (other than desertion on active service) or of fraudulent enrolment shall be commenced if the person in question has, subsequently to the commission of the offence, served continuously in an exemplary manner for not less than three years with any portion of His Majesty's regular forces.

Explanation.—For the purposes of this section, 'mutiny' means any of the offences specified in clauses (a), (b) and (c) of section 27."

9. After clause (b) of sub-section (2) of section 113 of the said Act the following clause shall be inserted, namely :—

Amendment of section 113 of Act VIII of 1911.

“(bb) the specification of the punishments which may be awarded as field punishments under sections 20 and 45.”

10. [Repeal of section III of Act VIII of 1911] Repealed by the Repealing Act, 1927 (12 of 1927)

ACT No XXXVIII of 1920¹

[14th September, 1920]

An Act to relax the control in certain respects of the Governor General in Council over Local Governments, and to transfer to such Governments certain powers now exercisable by the Governor General in Council.

WHEREAS powers of control are vested in the Governor General in Council in virtue of certain enactments and it is expedient to relax those powers, and to transfer to Local Governments powers under certain enactments now exercisable by the Governor General in Council, It is hereby enacted as follows :—

1. This Act may be called the Devolution Act, 1920
2. The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof
3. [Consequential repeals] Repealed by the Repealing Act, 1927 (12 of 1927)
4. Any appointment, notification, order, scheme, rule, form or bye-law made or issued, before the commencement of this Act, by authority for the making or issuing of which a new authority is substituted by or under this Act, shall, unless inconsistent with this Act, be deemed to have been made or issued by such new authority, unless and in so far as provided by an appointment, notification, order, scheme, rule, form or bye-law made or issued by such new authority.

Amendment of certain enactments.

Amendment of section 113 of Act VIII of 1911.

Amendment of section 113 of Act VIII of 1911.

¹ For Statement of Objects and Reasons see Gazette of India, 1920, Pt. IV, p. 222 and for Proceedings in Council see ibid. 1920, Pt. IV, p. 272 and 283.

THE FIRST SCHEDULE.

(See section 2.)

Part I.—Acts of the Governor General in Council.

Year.	No.	Short title or subject.	Amendments.
1851	VIII	The Indian Tolls Act, 1851.	In section 2, the words "not exceeding the rates mentioned in the Schedule annexed to this Act" and the Schedule shall be omitted.
1857	XXIX	Collection of Bombay Land Customs.	The proviso to section 5 shall be omitted.
1 * *	* * *	* * * * *	* * * * *
1860	IX	The Employers and Workmen (Disputes) Act, 1860.	In section 9, the words "of the Governor General of India in Council or" shall be omitted.
1861	V	The Police Act, 1861	In sections 2 and 3, after the word "subject" the words "in the case of officers of the Indian Police of and above the rank of Assistant Superintendent" shall be inserted.
1864	XV	The Indian Tolls Act, 1864.	The words from "not exceeding" to "Schedule mentioned" in the Preamble, the whole of section 1 and the Schedule shall be omitted. In section 2 for the words from "specified in the Schedule" to the end of the section, the words "authorized to be levied under the said Act VIII of 1851" shall be substituted.
2 * *	* * *	* * * * *	* * * * *
1865	XV	The Parsi Marriage and Divorce Act, 1865.	In section 8A, for the words "Governor General in Council" the words "Local Government, by which he was appointed," for the words "the Local Government, by which he was appointed" the words "such Local Government", and for the words "the Governor General" the words "such Local Government" shall be substituted.

1 The entry relating to Act 13 of 1859 was repealed by s. 2 and Sch. of the Workmen's Breach of Contract (Repealing) Act, 1925 (3 of 1925).

2 The entry relating to Act 10 of 1865 was repealed by s. 392 and Sch. IX of the Indian Succession Act, 1925 (39 of 1925).

(The First Schedule. Part I.—Acts of the Governor General in Council.)

Year.	No.	Short title or subject.	Amendment.
1867	XXV	The Press and Registration of Books Act, 1867.	In section 21, for the words "Governor General of India in Council" the words "Local Government" and for the words "Gazette of India" the words "local Gazette" shall be substituted.
1868	V	Delegation of powers to the Commissioner in Sindh.	In section 2, the words "with the consent of the Governor General of India in Council" shall be omitted.
1869	1	The Oath Estates Act, 1869.	In section 9, for the words "Governor General of India in Council" the words "Local Government," for the words "the said Governor General in Council" the words "the Local Government," and for the words "Gazette of India" where they occur for the second time, the words "local official Gazette" shall be substituted.
1870	VII	The Court fees Act, 1870.	In section 20, the words "and sanctioned by the Governor General of India in Council" shall be omitted. In sections 22 and 23, the words "and the Governor General of India in Council" shall be omitted. In sections 26 and 35, for the words "Governor General of India in Council" the words "Local Government," and for the words "Gazette of India" the words "local official Gazette" shall be substituted. In section 35, for the words "British India" the words "the territories under its administration" shall be substituted.
"	VIII	The Female Infanticide Prevention Act, 1870	In section 1, the words "with the previous sanction of the Governor General of India in Council" shall be omitted. In section 3, the words "confirmed by the Governor General of India in Council and" and the words "in the Gazette of India and also" shall be omitted. In section 7, for the words from "and the Governor of Madras" to the end of the section the following shall be substituted, namely:— "and the Local Government of any other part of British India may, by notification published in the local official Gazette, extend it to any part of the territories under the administration of that Local Government."

(The First Schedule. Part I.—Acts of the Governor General in Council.)

Year.	No.	Short title or subject. 1	Amendments.
1871	IV	The Coroners Act, 1871 .	In section 36, for the words " Governor General in Council " the words " Local Government " shall be substituted.
1872	III	The Special Marriage Act, 1872.	In section 13-A, for the words " Governor General in Council " wherever they occur, the words " Local Government " shall be substituted.
"	XV	The Indian Christian Marriage Act, 1872.	For section 86 the following section shall be substituted, namely :— <p>" 83. (1) The powers and functions exercisable by the Governor General in Council under sections 6, 8, 9, 47, 48, 56 and 84 shall, so far as regards any Native State which is within the political charge of a Local Government, be exercised by that Local Government. The exercise under this section by any Local Government of powers and functions under sections 6, 8, 9 and 56 shall be by notification in the local official Gazette.</p> <p>(2) The powers and functions exercisable under this Act by the Governor General in Council may be delegated to and exercised by such officers as he may from time to time appoint in this behalf."</p>
1873	VIII	The Northern India Canal and Drainage Act, 1873.	In section 75, the words " subject to the control of the Governor General in Council " and the words " subject to the like control " shall be omitted.
1874	III	The Married Women's Property Act, 1874.	In section 2, for the words " Governor General in Council " wherever they occur the words " Local Government " and for the words " Gazette of India " the words " local official Gazette " shall be substituted.
"	IX	The European Vagrancy Act, 1874.	In section 1, for the words from " as the Governor General in Council " to the end of the section the following shall be substituted, namely :—" as in the case of Coorg and the said Islands the Local Government by notification in the local official Gazette, and in the case of any of the said dominions, the Governor General in Council by notification in the Gazette of India, from time to time, appoints in this behalf."

(The First Schedule. Part I.—Acts of the Governor General in Council.)

Year.	No.	Short title or subject.	Amendments.
1874	IX	The European Vagrancy Act, 1874— <i>contd.</i>	<p>To the same section, the following shall be added, namely:—"Provided further, that in the case of any of the said dominions which is within the political charge of a Local Government, the power conferred on the Governor General in Council by this</p> <p style="text-align: center;">" " " "</p> <p>In sections 14 and 36, the words "subject to the control of the Governor General in Council" shall be omitted.</p> <p>In section 26, for the words "Government of India" the words "Governor, Lieutenant-Governor or Chief Commissioner of the Province concerned" and for the words "Governor General in Council" the words "Local Government" shall be substituted</p> <p style="text-align: center;">" " " "</p> <p>To section 35 the following shall be added, namely:—"Provided that, in the case of any such place which is within the political charge of a Local Government, the power conferred on the Governor General in Council by this section shall be exercised by that Local Government by notification in the local official Gazette"</p>
"	XIV	The Scheduled Districts Act, 1874	<p>In sections 3, 5 and 6 A, the words "with the previous sanction of the Governor General in Council" shall be omitted; and in sections 3 and 6, the words "in the Gazette of India and also" and the words "if any" shall be omitted.</p> <p>In section 9, for the words "Governor General in Council" the words "Local Government" shall be substituted.</p>
1875	XVIII	The Indian Law Reports Act, 1875	<p>In the preamble, for the words "the Governor General in Council proposes" the words "it is proposed" shall be substituted</p> <p>In section 3, for the words "the Governor General in Council" the words "any Local Government" shall be substituted</p>
"	XX	The Central Provinces Laws Act, 1875	<p>In section 10, the words "when sanctioned by the Governor General in Council" shall be omitted.</p>

(The First Schedule. Part I.—Acts of the Governor General in Council.)

Year.	No.	Short title or subject. 1	Amendments.
1871	IV	The Coroners Act, 1871 .	In section 36, for the words "Governor General in Council" the words "Local Government" shall be substituted.
1872	III	The Special Marriage Act, 1872.	In section 13-A, for the words "Governor General in Council" wherever they occur, the words "Local Government" shall be substituted.
"	XV	The Indian Christian Marriage Act, 1872.	For section 86 the following section shall be substituted, namely:— <p>"83. (1) The powers and functions exercisable by the Governor General in Council under sections 6, 8, 9, 47, 48, 56 and 84 shall, so far as regards any Native State which is within the political charge of a Local Government, be exercised by that Local Government. The exercise under this section by any Local Government of powers and functions under sections 6, 8, 9 and 56 shall be by notification in the local official Gazette.</p> <p>(2) The powers and functions exercisable under this Act by the Governor General in Council may be delegated to and exercised by such officers as he may from time to time appoint in this behalf."</p>
1873	VIII	The Northern India Canal and Drainage Act, 1873.	In section 75, the words "subject to the control of the Governor General in Council" and the words "subject to the like control" shall be omitted.
1874	III	The Married Women's Property Act, 1874.	In section 2, for the words "Governor General in Council" wherever they occur the words "Local Government" and for the words "Gazette of India" the words "local official Gazette" shall be substituted.
"	IX	The European Vagrancy Act, 1874.	In section 1, for the words from 'as the Governor General in Council' to the end of the section the following shall be substituted, namely:—"as in the case of Coorg and the said Islands the Local Government by notification in the local official Gazette, and in the case of any of the said dominions, the Governor General in Council by notification in the Gazette of India, from time to time, appoints in this behalf."

(The First Schedule. Part I.—Acts of the Governor General in Council.)

Year.	No	Short title or subject.	Amendments
1874	IX	The European Vagrancy Act, 1874— <i>contd.</i>	<p>To the same section, the following shall be added, namely:—"Provided further, that in the case of any of the said dominions which is within the political charge of a Local Government, the power conferred on the Governor General in Council by this section shall be exercised by that Local Government by notification in the local official Gazette."</p> <p>In sections 14 and 26, the words "subject to the control of the Governor General in Council" shall be omitted</p> <p>In section 26, for the words "Government of India" the words "Governor, Lieutenant Governor or Chief Commissioner of the Province concerned" and for the words "Governor General in Council" the words "Local Government" shall be substituted</p> <p>To section 35 the following shall be added, namely:—"Provided that, in the case of any such place which is within the political charge of a Local Government, the power conferred on the Governor General in Council by this section shall be exercised by that Local Government by notification in the local official Gazette."</p>
"	XIV	The Scheduled Districts Act, 1874	<p>In sections 3, 5 and 6 A, the words "with the previous sanction of the Governor General in Council" shall be omitted; and in sections 3 and 5, the words "in the Gazette of India and also" and the words "if any" shall be omitted</p> <p>In section 9, for the words "Governor General in Council" the words "Local Government" shall be substituted</p>
1875	XVIII	The Indian Law Reports Act, 1875	<p>In the preamble, for the words "the Governor General in Council proposes" the words "it is proposed" shall be substituted</p> <p>In section 2, for the words "the Governor General in Council" the words "any Local Government" shall be substituted</p>
"	XX	The Central Provinces Laws Act, 1875	<p>In section 10, the words "when sanctioned by the Governor General in Council" shall be omitted.</p>

(The First Schedule. Part I.—Acts of the Governor General in Council.)

Year.	No.	Short title or subject.	Amendments.
1882	XV	The Presidency Small Cause Courts Act, 1882.	In section 7, the words "subject to the control of the Governor General in Council" and the words "with the previous sanction of the Governor General in Council" shall be omitted.
1883	XX	The Punjab District Boards Act, 1883.	<p>In sub-section (2) of section 11, in proviso (a) the words "or the Governor General in Council, for some purpose affecting the public interests, sanction in the direction," and in proviso (b) the words "except with the approval of the Governor General in Council or" shall be omitted.</p> <p>In section 30, for the words "Governor General in Council" the words "Local Government" shall be substituted.</p> <p>In sub-section (2) of section 37, the words "subject to the control of the Governor General in Council," where they occur in both places, shall be omitted.</p> <p>In clause (1) of section 77, for the words "Governor General in Council" the words "Local Government" shall be substituted, and in sub-clause (a) before the words "may be made" the following shall be inserted, namely:—"in the case of Government, under rule made under clause (1) of sub-section (3) of section 30 of the Government of India Act, a local authority may be authorized by any law made by the Local Government without the sanction of the Governor General."</p> <p>In the exercise of the powers conferred by the Rules made under clause (1) of the said section 77, the words "subject to the sanction of the Governor General" shall be omitted.</p>
1885	VIII	The Bengal Tenancy Act, 1885.	<p>In the exercise of the powers conferred by the Rules made under clause (1) of the said section 77, the words "subject to the sanction of the Governor General" shall be omitted.</p> <p>In section 101, for the words "with the sanction of the Governor General in Council" the words "with the sanction of the Local Government" shall be substituted.</p>

(The First Schedule. Part I.—Acts of the Governor General in Council.)

Year.	No.	Short title or subject.	Amendments
1885	VIII	The Bengal Tenancy Act, 1885— <i>contd.</i>	<p>stituted, namely:—</p> <p>"In particular and without prejudice to the generality of the foregoing power, the Local Government may make such an order in the following cases":</p> <p>In sub section (3) of section 105, for the words "Government of India" the words "Local Government", and for the words "Gazette of India" the words "local official Gazette" shall be substituted.</p> <p>In section 112, in sub section (3), the words "with the previous sanction of the Governor General in Council" and the whole of sub section (2) shall be omitted.</p>
"	XVIII	The Land Acquisition (Mines) Act, 1885	<p>In clause (c) of section 3 (2), and in section 8, for the words "Governor General in Council" the words "Local Government" shall be substituted.</p> <p>In sub section 2 of section 5, the words "in such manner as the Governor General in Council may from time to time direct" shall be omitted; and to the end of the following sub section shall be added, namely:—</p> <p>"If any declaration made under the Act shall be published in such manner as the Local Government may direct,"</p> <p>In section 11 after the words "those" shall be inserted the words "except in those cases" and section 8 shall be inserted.</p>
1886	VI	The Panchayat and Marriage Regulation Act, 1886	<p>In section (2) of section 1, the words "with the previous approval of the Governor General in Council" shall be omitted.</p> <p>To section 17 the following proviso shall be added, namely:— "Provided that the powers and functions exercisable by the Governor General in Council under this section shall, in the case of any such declaration which are within the political charge of a Local Government, be exercised by that Local Government by notification in the local official Gazette."</p>

(The First Schedule. Part I.—Acts of the Governor General in Council.)

Year.	No.	Short title or subject.	Amendments.
1886	VI	The Births, Deaths and Marriages Registration Act, 1886— <i>entl.</i>	<p>To sub-section (2) of section 21 the following shall be added, namely:— "Provided that such certified copies shall, in the case of any such dominions which are within the political charge of a Local Government, be sent to the Registrar General of Births, Deaths and Marriages for the territories under the administration of that Local Government."</p> <p>To section 32 the following shall be added, namely:— "Provided that such register or record shall, in the case of any such dominions which are within the political charge of a Local Government, be sent to the Registrar General of Births, Deaths and Marriages for the territories under the administration of that Local Government."</p> <p>For sub-section (1) of section 33 the following shall be substituted, namely:— "(1) Any Local Government in the case of registers or records sent under section 32 to the Registrar General for the territories under</p>

(The First Schedule Part I.—Acts of the Governor General in Council)

Year	No	Short title or subject	Amendments
1887	VII	The Suta Valuation Act, 1887	In sub section (1) of section 3, for the words "with the previous sanction" the words "subject to the control" shall be substituted
1	.	.	.
1887	XII	The Bengal, Agra and Assam Civil Courts Act, 1887.	For section 4 the following section shall be substituted, namely — "4 The Local Government may alter the number of District Judges, Subordinate Judges and Munsifs now fixed" In sub section (1) of section 15, after the words "Governor General in Council" the following shall be inserted, namely — "in the case of the High Court at Calcutta and by the Local Government in other cases" In clause (b) of section 36 (1), the words "with the previous sanction of the Governor General in Council" shall be omitted
"	XVI	The Punjab Tenancy Act, 1887	In section 107, the words "to the control of the Governor General in Council and" shall be omitted
"	XVII	The Punjab Land revenue Act, 1887	In section 5, after the words "those tahsils" the words "and districts" shall be inserted and the words "districts and" where they occur for the second time shall be omitted In clause (a) of section 61 (1) and in clause (c) of section 145 (1) the words "with the previous sanction of the Governor General in Council" shall be omitted In sub section (1) of section 145, for the words "Governor General in Council may on a reference from the Local Government" the words "Local Government may" shall be substituted; and in sub section (3) of the same section for the words "Governor General in Council" the words "Local Government" shall be substituted

¹The entry relating to the Native Passenger Ships Act, 1887 (10 of 1887), was repealed by s. 296 and Sch. V of the Indian Merchant Shipping Act, 1923 (21 of 1923)

(The First Schedule. Part I.—Acts of the Governor General in Council.)

Year.	No.	Short title or subject.	Amendments.
1897 57	XVII	The Punjab Land-revenue Act, 1887— <i>contd.</i>	In section 156, the words "to the control of the Governor General in Council" and "shall be omitted."
1888	XVIII	The Burma Financial Commissioner's Act, 1888.	In sections 4 and 5, the words "with the previous sanction of the Governor General in Council," and in section 5, the words "with such sanction as aforesaid," shall be omitted.
1890	VI	The Charitable Endowments Act, 1890.	In subsection (1) of section 5, for the words "Governor General in Council" the words "Local Government," and for the words "any Local Government" the words "such Local Government" shall be substituted. In clause (c) of section 4 (3) and in section 11, for the words "Governor General in Council" the words "Local Government" shall be substituted. For section 13 the following section shall

(The First Schedule. Part I.—Acts of the Governor General in Council.)

Year.	No	Short title or subject.	Amendments.
1890	VI	The Charitable Endowments Act, 1890— <i>contd.</i>	<p>(c) prescribing the forms in which accounts are to be kept by Treasurers of Charitable Endowments and the mode in which such accounts are to be audited; and</p> <p>(d) generally carrying into effect the purposes of this Act."</p> <p>Section 16 shall be omitted.</p>
1894	I	The Land Acquisition Act, 1894.	<p>To sub-section (1) of section 38 and in section 41, the words "subject to such rules as the Governor General of India in Council may from time to time prescribe in this behalf" shall be omitted.</p> <p>In sub-section (1) of section 53, the words "subject to the control of the Governor General in Council" shall be omitted;</p> <p>And to the same sub-section the following proviso shall be added, namely:—</p> <p>"Provided that where the provisions of this Act are put in force for the acquisition of land—</p> <p>(a) for the purpose of any railway, or</p> <p>(b) for such other purposes, connected with the administration of a central subject as defined in section 45-A of the Government of India Act, as the Governor General in Council may, by notification in the Gazette of India, declare in this behalf,</p> <p>the power to make, alter and add to rules conferred on the Governor General in Council shall be exercisable by the Governor General in Council."</p>
1897	III	The Epidemic Diseases Act, 1897.	Sub-section (3) of section 2 shall be omitted

¹ The entry relating to Act 14 of 1891 was repealed by the Repealing Act, 1927 (12 of 1927).

² The entry relating to Act 2 of 1890 was repealed, *ibid.*

(The First Schedule. Part I.—Acts of the Governor General in Council.)

Year.	No.	Short title or subject.	Amendments.
1897	III	The Epidemic Diseases Act, 1897— <i>contd.</i>	<p>After section 2, the following section shall be inserted, namely :—</p> <p>“2A. When any Local Government is satisfied that the Concurrent powers of Local Government. Province or any part thereof is visited by, or threatened with, an outbreak of any dangerous epidemic disease, and that the ordinary provisions of the law for the time being in force are insufficient to prevent the outbreak of such disease or the spread thereof, such Local Government may exercise all or any of the powers conferred by this Act on the Governor General in Council.”</p>
1 *	* *	* * *	* * *
1898	V	The Code of Criminal Procedure, 1898.	<p>In the proviso to section 1 (2), the words “with the sanction of the Governor General in Council” shall be omitted.</p> <p>In sections 7 (2), 14 (3), 269 (1), 495 (1), 544 and 565 (3), the words “with the previous sanction of the Governor General in Council” shall be omitted.</p> <p>For section 22, the following section shall be substituted, namely :—</p> <p>“22. Every Local Government, so far as regards the territories subject to its administration (other than the presidency towns), may by notification in the official Gazette appoint such European British subjects as it thinks fit to be Justices of the Peace within and for the local area mentioned in such notification.”</p> <p>In sub-section (1) of section 24, for the words “Governor General in Council” the words “Local Government” and for the words “British India,” where it occurs for the second time, the words “the territories subject to its administration” shall be substituted.</p>

¹ The entry relating to Act 9 of 1897 was repealed by s. 10 and Sch. of the Provident Funds Act, 1925 (19 of 1925).

(The First Schedule. Part I.—Acts of the Governor General in Council.)

Year.	No.	Short title or subject.	Amendments.
1898	V	The Code of Criminal Procedure, 1898— <i>contd</i>	<p>In section 27, the words from "the Governor General in Council" to "and" shall be omitted.</p> <p>In section 132, for the words "Governor General in Council" the words "Local Government" shall be substituted, and to the same section the following proviso shall be added, namely:—</p> <p>"Provided that no such prosecution shall be instituted in any Criminal Court against any officer or soldier in His Majesty's Army except with the sanction of the Governor General in Council."</p> <p>In sub section (4) of section 313, after the words "Governor General in Council" the words "or the Local Government" shall be inserted</p>
"	XIII	The Burma Laws Act, 1898.	In sections 10 (3), 12 (1) (b) and (c) and 14 (1), for the words "with the previous sanction" the words "subject to the control" shall be substituted
1899	IV	The Government Buildings Act, 1899	In sub section (3) of section 4, after the word "section" the following shall be inserted, namely:—"in regard to any building which is used or required for the administration of a central subject as defined in section 45 A of the Government of India Act or which is the property of the Government of India"
"	IX	The Indian Arbitration Act, 1899.	In the proviso to section 2, the words "with the previous sanction of the Governor General in Council" shall be omitted.
"	XIII	The Glanders and Farcy Act, 1899.	In sub section (1) of section 2, for the words "Governor General in Council" the words "Local Government" and for the words "Gazette of India" the words "local official Gazette" shall be substituted
"	XXIV	The Central Provinces Court of Wards Act, 1899.	In clause (c) of section 2, the words "with the previous sanction of the Governor General in Council" shall be omitted
1900	III	The Passports Act, 1900	In sub section (1) of section 19, for the words "British India" the words "the Province" and for the words "Governor General in Council" the words "Local Government" shall be substituted

(The First Schedule. Part I.—Acts of the Governor General in Council.)

Year.	No.	Short title or subject.	Amendments.
1900	III	The Prisoners Act, 1900— <i>contd.</i>	<p>For section 21 the following section shall be substituted, namely :—</p> <p>“ 21. (1) The Local Government may grant to any person under sentence of penal servitude a licence to be at large within such part of the Province and during such portion of his term of penal servitude as may be specified in the licence and upon such conditions as the Governor General in Council may by general or special order prescribe.</p> <p>(2) The Local Government may revoke or, subject to such conditions, alter any licence granted under sub-section (1).”</p> <p>In section 23, for the words “ Government of India ” the words “ Local Government ” shall be substituted.</p> <p>For sub-section (4) of section 30 the following shall be substituted, namely :—</p> <p>“ (4) In any case in which the Local Government is competent under sub-section (1) to order the removal of a prisoner to a lunatic asylum or other place of safe custody within the Province, the Local Government may order his removal to any such asylum or place within any other Province or within the territories of any Native Prince or State in India by agreement with the Local Government of such other Province or with such Native Prince or State, as the case may be ; and the provisions of this section respecting the custody, detention, remand and discharge of a prisoner removed under sub-section (1) shall, so far as they can be made applicable, apply to a prisoner removed under this sub-section.”</p> <p>Section 32 shall be re-numbered section 32 (1) and in the same section for the words “ Governor General in Council ” the words “ Local Government ” and for the words “ British India ” the words “ the Province ” shall be substituted.</p>

(The First Schedule Part I—Acts of the Governor General in Council.)

Year.	No	Short title or subject	Amendments
1900	III	The Prisoners Act, 1900— <i>concl'd</i>	And to the same section the following sub-section shall be added, namely — (2) In any case in which the Local Government is competent under sub-section (1) to appoint places within the Provinces and to order the removal thereto of persons under sentence of transportation, the Local Government may appoint such places in any other Province by agreement with the Local Government of that Province, and may by like agreement give orders or duly authorise some officer to give orders for the removal there to of such persons. In section 42, the words "The Governor General in Council or," the words "the Gazette of India or" and the words "as the case may be," shall be omitted
1900	XIII	The Punjab Alienation of Land Act, 1900	In section 24, the words with the previous sanction of the Governor General in Council" shall be omitted
1901	VI	The Assam Labour and Immigration Act, 1901	In clause (b) of section 1 (2) and in section 221, for the words "with the previous sanction" the words "subject to the control" shall be substituted In sub-section (2) of section 64, for the words "the Governor General in Council" the words "Local Government" shall be substituted
1903	I	The Amending Act, 1903	In Part II of the Second Schedule in the entry in column 4 against Act XXI of 1836 the words "with the previous sanction of the Governor General in Council" shall be omitted

¹ The entry relating to Act 6 of 1900 was repealed by the Repealing Act, 1927 (12 of 1927)

² The entry relating to Act 8 of 1901 was repealed, *ibid*

(The First Schedule. Part I.—Acts of the Governor General in Council.)

Year.	No.	Short title or subject.	Amendments.
1903	V	The Code of Civil Procedure, 1908.	<p>In sub-section (1) of section 5, the words "with the previous sanction of the Governor General in Council" and the words "with the sanction aforesaid" shall be omitted.</p> <p>In sections 61, 67 (1) and (2), 68 and 143 the words "with the previous sanction of the Governor General in Council" shall be omitted.</p> <p>In section 125, for the words "as the Governor General in Council may determine" the following shall be substituted, namely:—"as, in the case of the Court of the Judicial Commissioner of Coorg, the Governor General in Council, and, in other cases the Local Government, may determine."</p>
"	XIV	The Indian Criminal Law Amendment Act, 1908.	<p>In sub-section (2) of section 1, for the words "Governor General in Council" the words "Local Government of any other Province," for the words "Gazette of India" the words "official Gazette," and for the words "any other Province" the words "that Province" shall be substituted.</p> <p>* * *</p> <p>In clause (b) of section 15 (2) and in section 16, for the words "Governor General in Council" wherever they occur, the words "Local Government" shall be substituted.</p>
"	XVI	The Indian Registration Act, 1908.	<p>In sub-section (2) of section 1, the words "with the previous sanction of the Governor General in Council" shall be omitted.</p> <p>In sub-section (1) of section 4, the words "with the previous consent of the Governor General in Council" shall be omitted.</p> <p>In sub-section (1) of section 4 and in section 78, the words "subject to the control of the Governor General in Council" shall be omitted.</p>

¹ The entry relating to Act 16 of 1903 was repealed by the Repealing Act, 1927 (12 of 1927).

² The entries relating to sub-section (3) of section 1 and sub-section (1) of section 2 of the Indian Criminal Law Amendment Act, 1908, were repealed by s. 3 of the Indian Criminal Law Amendment Repealing Act, 1922 (5 of 1922).

(The First Schedule Part I.—Acts of the Governor General in Council.)

Year.	No.	Short title or subject.	Amendments.
1 . . .	. . .	. . .	. . .
1910	IX	The Indian Electricity Act, 1910	<p>Sub section (3) of section 3 shall be omitted</p> <p>In section 10, the words "with the previous sanction of the Governor General in Council" shall be omitted.</p> <p>In sub section (2) of section 32, for the words "Governor General in Council" in both places where they occur the words "Local Government," and for the word "he" the word "it" shall be substituted.</p> <p>In sub section (1) of section 31, for the words "Governor General in Council" the words "Local Government" shall be substituted</p>
1 . . .	. . .	. . .	. . .
1912	II	The Co-operative Societies Act, 1912	<p>Section 28 shall be re numbered section 28 (1) and in the said section the letter and brackets "(a)" and the whole of clauses (b) and (c) shall be omitted</p> <p>To the same section the following sub-section shall be added, namely —</p> <p>"(2) The Local Government, by notification in the local official Gazette, may, in the case of any registered society or class of registered society, remit—</p> <p>(a) the stamp duty with which, under any law for the time being in force, instruments executed by or on behalf of a registered society or by an officer or member and relating to the business of such society, or any class of such instruments, are respectively chargeable, and</p> <p>(b) any fee payable under the law of registration for the time being in force "</p>

¹ The entry relating to the Indian Immigration Act, 1908 (17 of 1908), was repealed by s 3 and Sch. I of the Repealing and Amending Act, 1923 (11 of 1923)

² The entry relating to Act 3 of 1911 was repealed by s. 39 and Sch. II of the Criminal Tribes Act, 1924 (6 of 1924)

³ This entry has been repealed in so far as it applies to Bombay and Burma by Bombay Act 7 of 1923 and Burma Act 6 of 1927, respectively.

(The First Schedule. Part I.—Acts of the Governor General in Council.)

Year.	No.	Short title or subject.	Amendments.
1912	IV	The Indian Lunacy Act, 1912.	<p>In sub-section (1) of section 35, for the words from "Any lunatic" to "Governor General in Council" the following shall be substituted, namely :—</p> <p>"Any lunatic may, in accordance with any general or special order of the Local Government, be removed from any asylum established by Government to any other asylum within the province or to any other asylum in any other province, with the consent of the Local Government of that province."</p> <p>In sub-section (2) of the same section, for the words "Governor General in Council" the words "Local Government" and for the word "he", where it first occurs, the word "it" shall be substituted; and in the same sub-section, for the words "in British India" the following shall be substituted, namely :—</p> <p>"in the province, or to any asylum, jail or other place of safety in any other province with the consent of the Local Government of that province."</p> <p>For section 85 the following section shall be substituted, namely :—</p> <p>"85. The Magistrates or Courts exercising jurisdiction in any province may send lunatics or any class of lunatics to any asylum situate in any other province in accordance with any general or special order of the Local Government made in that behalf with the consent of the Local Government of such other province."</p> <p>In sub-section (1) of section 91, the words "subject to the control of the Governor General in Council" shall be omitted.</p> <p>In section 99, for the words "Governor General in Council" the words "Local Government," and for the words "British India" the words "the province" shall be substituted.</p>
"	VII	The Bengal, Bihar and Orissa and Assam Laws Act, 1912.	The proviso to section 3 shall be omitted.

(The First Schedule Part I—Acts of the Governor General in Council.)

Year	No	Short title or subject	Amendments
1914	IX	The Local Authorities Loans Act, 1914	<p>To sub section (1) of section 3 the following further proviso shall be added, namely —</p> <p>“ Provided further that in the case of loans other than loans made by the Local Government, no amount exceeding twenty five lakhs of rupees shall be borrowed unless the terms, including the date of flotation, of such loan have been approved by the Governor General in Council ”</p> <p>In sub section (1) of section 4, for the words “ Governor General in Council ”, where they first occur, the words “ Local Government ” shall be substituted</p> <p>In the same sub section, in clause (vi) the words from “ without ” to the end of the clause shall be omitted, and for clause (vii) the following shall be substituted, namely —</p> <p>“ (vii) the cases in which local authorities may take loans from persons other than the Local Government ”</p> <p>Sub section (2) of section 4, and in sub section (3) the words from “ in the Gazette of India ” to “ delegated power, ” shall be omitted</p>
1917	I	The Inland Steam vessels Act, 1917	In sub section (1) of section 10, the words “ with the previous sanction of the Governor General in Council ” shall be omitted
1918	II	The Cinematograph Act, 1918	<p>In sub section (3) of section 1, for the words “ Governor General in Council ” the words “ Local Government ” and for the words “ Gazette of India ” the words “ local official Gazette ” shall be substituted</p> <p>In sub section (1) of section 8, for the words “ Governor General in Council ” the words “ Local Government ” shall be substituted</p> <p>Sub-section (3) of the same section shall be omitted; and in sub section (4), the words “ Gazette of India or ” and the words “ as the case may be, ” shall be omitted</p>

(The First Schedule. Part I.—Acts of the Governor General in Council.)

Year.	No.	Short title or subject.	Amendments.
1919	I	The Local Authorities Pensions and Gratuities Act, 1919.	In sub-section (1) of section 4, for the words "Governor General in Council", where they occur for the second time, the words "Local Government" shall be substituted.
„	XII	The Poisons Act, 1919.	In sub-section (1) of section 4, for the words "with the previous sanction" the words "subject to the control" shall be substituted. In sub-section (1) of section 8, for the words "the Governor General in Council, or" the word "and" shall be substituted.
1920	V	The Provincial Insolvency Act, 1920.	In section 81, the words "with the previous sanction of the Governor General in Council" shall be omitted.

Part II.—Regulations by the Governor General in Council.

1880	II	The Assam Frontier Tracts Regulation, 1880.	In section 1, for the words "the Governor General in Council", where they occur in both places, the word "he" and for the words "Gazette of India" the words "Local Gazette" shall be substituted. In section 2, the words "with the previous sanction of the Governor General in Council" shall be omitted.
1884	III	The Assam Frontier Tracts Regulation, 1884.	In section 1, for the words "Governor General in Council", where they occur in both places, the words "Chief Commissioner" shall be substituted.
1886	I	The Assam Land and Revenue Regulation, 1886.	In sections 1 (2) and 18, the words "with the previous sanction of the Governor General in Council", wherever they occur, shall be omitted. In proviso (a) to section 34, for the words "Governor General in Council" the words "Chief Commissioner" shall be substituted. In sections 122, 124 and 158 (1), the words "subject to the control of the Governor General in Council" shall be omitted.

(The First Schedule. Part II.—Regulations by the Governor General in Council.)

Year.	No	Short title or subject	Amendments.
1886	I	The Assam Land and Revenue Regulation, 1886— <i>contd.</i>	In sub section (1) of section 139, the words "subject to such rules as the Governor General in Council may make in this behalf" shall be omitted Sub-section (3) of section 157 shall be omitted
1887	XII	The Upper Burma Ruby Regulation, 1887	In section 14, the words "with the previous sanction of the Governor General in Council" shall be omitted
1889	III	The Upper Burma Land and Revenue Regulation, 1889	In sub sections (2) and (3) of section 27, the words "subject to the control of the Governor General in Council" shall be omitted In sub section (1) of section 51, the words "to the control of the Governor General in Council and" shall be omitted.
1891	VII	The Assam Forest Regulation, 1891.	In section 21, for the words "Governor General in Council" the words "Local Government" shall be substituted
1899	I	The Coorg Land and Revenue Regulation, 1899	In sections 6 (2) and 7, for the words "Governor General in Council", wherever they occur, the words "Chief Commissioner" shall be substituted
1900	I	The Chittagong Hill tracts Regulation, 1900.	In sections 2 (2) and 4 (2), the words "with the previous sanction of the Governor General in Council" shall be omitted
1901	I	The Coorg Courts Regulation, 1901.	In section 3, after the words "Judicial Commissioner" the words "and the Chief Commissioner may appoint" shall be inserted In section 18, the words "with the previous approval of the Governor General in Council" shall be omitted
1915	I	The Excise Regulation, 1915	In sections 4 and 18, the words "with the previous sanction of the Governor General in Council" shall be omitted.

¹ The entire relating to Regulation 5 of 1892 was repealed by the Repealing Act, 1927 (12 of 1927)² The entry relating to Regulation 1 of 1896 was repealed, *ibid*

(The First Schedule. Part II.—Regulations by the Governor General in Council.)

Year.	No.	Short title or subject.	Amendments.
1915	I	The Excise Regulation, 1915— <i>contd.</i>	<p>To section 4 the following proviso shall be added, namely :—</p> <p>“ Provided that, where the interests of any other Province may be affected, no such declaration shall be made without the previous sanction of the Governor General in Council.”</p> <p>To section 8 the following proviso shall be added, namely :—</p> <p>“ Provided that, where the interests of any other Province may be affected, no notification shall be issued under clause (a) without the previous sanction of the Governor General in Council.”</p>

Part III.—Madras Acts.

1888	I	The Local Authorities Loan Act, 1888.	In section 3, the words “ with the previous sanction of the Governor General in Council ” shall be omitted.
1902	I	The Madras Court of Wards Act, 1902.	In sub-section (1) of section 45, the words “ with the previous sanction of the Governor General in Council ” shall be omitted.
1919	IV	The Madras City Municipal Act, 1919.	<p>In section 15, proviso (a), section 88, proviso (a), section 95, second proviso, and sections 144 and 145, for the words “ Governor General in Council ” the words “ Governor in Council ” shall be substituted.</p> <p>In section 48, the words “ with the sanction of the Governor General in Council ” shall be omitted.</p> <p>In clauses (i) and (ii) of the proviso to section 142 (1), the words from “ or if the loan ” to “ Governor General in Council ” shall be omitted ; and to the said proviso the following shall be added, namely :—</p> <p>“ (iii) no loan exceeding in amount twenty-five lakhs of rupees shall be raised unless the terms, including the date of flotation, of such loan have been approved by the Governor General in Council.”</p> <p>In section 143, for the words “ Governor General in Council ” the words “ Governor in Council ” shall be substituted.</p>

(The First Schedule. Part IV—Bombay Acts.)

Year	No	Short title or subject	Amendments
<i>Part IV—Bombay Acts</i>			
1866	XII	Constitution of Courts in Sindh	In section 1, the words "with the sanction of the Government of India" shall be omitted
1867	VI	Sanitary Regulation of the City of Bombay	In section 1, the words "acting under the general control of the Government of India" shall be omitted
1868	II	The Bombay Ferries Act, 1868.	In section 4, the words "or Imperial" and the words "except with the sanction of the Governor General in Council" shall be omitted
1876	II	The Bombay City Land revenue Act, 1876	In section 6, the words "under the general control of the Governor General of India in Council" shall be omitted
1878	V	The Bombay Abkari Act, 1878	In proviso (ii) to section 19, the words "with the previous sanction of the Government of India" shall be omitted
1886	VI	The Karachi Port Trust Act, 1886	In section 3, the words "with the approval of the Governor General in Council" shall be omitted
1888	III	The City of Bombay Municipal Act, 1888	In section 106, for the words "Governor General of India in Council" the words "Governor in Council" shall be substituted, and to the same section the following proviso shall be added, namely— "Provided that no loan exceeding in amount twenty five lakhs of rupees shall be contracted by the Corporation unless the terms, conditions and securities of such loan shall be approved by the Council" In clause (c) of section 109, for the words "the Governor General of India in Council" the words "the Governor in Council" shall be substituted
1890	II	The Bombay Salt Act, 1890	In subsection (1) of section 4, for the words "subject to the general control of the Governor General in Council" the following shall be substituted, namely— "subject to such control of the Governor General in Council as may be prescribed by rules made under section 45A of the Government of India Act"

(The First Schedule. Part IV.—Bombay Acts.)

Year.	No.	Short title or subject.	Amendments.
1890	IV	The Bombay District Police Act, 1890.	In section 4, after the word "subject" the words "in the case of officers of the Indian Police of and above the rank of Assistant Superintendent" shall be inserted, and for the words "the authorities aforesaid" the word "Government" shall be substituted. In sub-section (2) of section 5, the words "subject to the previous approval of the Governor General in Council" shall be omitted.
1898	IV	The City of Bombay Improvement Act, 1898.	In section 33, the words "for transmission to the Government of India" shall be omitted, and for the words "the Government of India," where they occur for the second time, the word "Government" shall be substituted. In section 37, the words "either the Government of India or" shall be omitted. In section 52, for the words "the Government of India" the word "Government" shall be substituted; and to the same section the following proviso shall be added, namely:— "Provided that no loan exceeding in amount twenty-five lakhs of rupees shall be raised by the Board, unless the terms, including the date of flotation, of such loan have been approved by the Government of India." In section 53, for the words "the Government of India" the word "Government" and for the words "with the previous consent of the Government of India" the words "subject to the provisions of the last preceding section" shall be substituted; and the words "under the last preceding section" shall be omitted. In sections 55(2), 57, 61 (2) and 75 (1), for the words "the Government of India" the word "Government" shall be substituted.
1901	III	The Bombay District Municipal Act, 1901.	In section 59, for the words "Governor General in Council" the words "Governor in Council" shall be substituted; and after clause (x) the following clause shall be inserted, namely:—"(x-A) any other tax which, under rules made under clause (a) of section 80-A, sub-section (3), of the Government of India Act, a local authority may be authorised to impose by any law made by the local legislature without the previous sanction of the Governor General."

(The First Schedule. Part IV—Bamby Acts. Part V.—Bengal Acts.)

Year.	No	Short title or subject	Amendments
1901	III	Bamby District Municipal Act, 1901	In clause (xi) of the same section, after the words "Governor in Council" the words "and of the Governor General in Council" shall be inserted
1902	IV	City of Bombay Police Act, 1902	In section 44, for the words "Governor General in Council" the words "Governor in Council" shall be substituted
1918	VI	Bamby Disqualification of Aliens Act 1918	In section 5 the words "with the approval of the Governor General in Council" shall be omitted

Part V—Bengal Acts

1860	II	Calcutta Suburban Police Act, 1860	In sub-section (4) of section 47 A, the words "subject to the control of the Governor General in Council" shall be omitted
"	IV	Calcutta Police Act, 1866	In section 4, for the words "Governor General of India in Council" the following shall be substituted, namely— 'Lieutenant Governor, subject to rules made under section 45 A of the Government of India Act" In sub-section (4) of section 78 A, the words "subject to the control of the Governor General in Council" shall be omitted
1860	VII	Bengal Police Act, 1869	In section 5, after the word "subject" the words "in the case of officers of the Indian Police of and above the rank of Assistant Superintendent" shall be inserted
"	"	"	"
"	"	"	"
1904	III	The Bengal Settled Estates Act, 1904	In sections 7 and 16 (5), the words "with the previous sanction of the Governor General in Council" shall be omitted
1906	VI	The Chota Nagpur Tenancy Act, 1906	In section 265 (1), the words "with the previous sanction of the Government of India" shall be omitted

¹The entry relating to the Bengal Steam boilers and Prime movers Act, 1879, was repealed by Sch. of the Indian Boilers Act, 1923 (5 of 1923)

²The entry relating to Bengal Act 3 of 1923 was repealed by the Repealing Act, 1927 (12 of 1927)

(The First Schedule. Part V.—Bengal Acts.)

Year.	No.	Short title or subject.	Amendments.
1909	V	The Bengal Excise Act, 1909.	<p>In sections 4 and 11, the words "with the previous sanction of the Government of India" shall be omitted.</p> <p>To section 4 the following proviso shall be added, namely :—</p> <p>"Provided that, where the interests of any other Province may be affected, no such declaration shall be made without the previous sanction of the Government of India."</p> <p>To section 11 the following proviso shall be added, namely :—</p> <p>"Provided that, where the interests of any other Province may be affected, no notification shall be issued under clause (a) without the previous sanction of the Government of India."</p>
1911	V	The Calcutta Improvement Act, 1911.	<p>In clauses (i) and (ii) of proviso (b) to section 83 (1) and in sections 176 (1) and (2) and 177 (1), the words "with the previous sanction of the Government of India" shall be omitted.</p> <p>In section 89, for the words "Government of India" the words "Local Government" shall be substituted; and to the same section the following proviso shall be added, namely :—</p> <p>"Provided that no loan exceeding in amount twenty-five lakhs of rupees shall be taken by the Board, unless the terms, including the date of flotation, of such loan have been approved by the Government of India."</p> <p>Section 90 shall be omitted.</p> <p>In sections 93 (1), 98, 99 and 100, for the words "Government of India", wherever they occur, the words "Local Government" shall be substituted.</p>
1913	II	The Bengal Board of Revenue Act, 1913.	<p>In the proviso to section 3, the words "with the previous sanction of the Government of India" shall be omitted.</p>
1918	III	The Bengal (Alien) Disqualification Act, 1918.	<p>In the proviso to section 3, the words "with the approval of the Governor General in Council" shall be omitted.</p>

(The First Schedule. Part VI.—United Provinces Acts.)

Year.	No.	Short title or subject.	Amendments.
<i>Part VI.—United Provinces Acts.</i>			
1892	III	The United Provinces Village Courts Act, 1892.	In section 77, the words "and subject to the approval of the Governor General in Council" shall be omitted
1899	II	Collection of Taxes by Railway Administrations.	In section 3, the words "and of the Governor General in Council" shall be omitted.
• • • • •	• • • • •	• • • • •	• • • • •
1901	III	The United Provinces Land Revenue Act, 1901.	In sections 6 and 13 (1), the words "with the previous sanction of the Governor General in Council" shall be omitted In section 62, the words "in accordance with the general principles sanctioned by the Governor General in Council" shall be omitted In the proviso to section 68, the words "without the previous sanction of the Governor General in Council" and the words "from the settlement", where they occur for the second time, shall be omitted In sub section (3) of section 80, for the words "Governor General in Council" the words "Local Government" shall be substituted
• • • • •	• • • • •	• • • • •	• • • • •
1910	IV	The United Provinces Excise Act, 1910.	In sections 3 (4) and 9, the words "subject to such conditions (if any) as the Governor General in Council may prescribe" shall be omitted In sub section (2) of section 4, the words "with the previous sanction of the Government of India" shall be omitted, and to the said sub section the following proviso shall be added, namely:— "Provided that, where the interests of any other Province may be affected, no declaration shall be made under this sub section without the previous sanction of the Government of India."

¹ The entry relating to United Provinces Act 2 of 1911 was repealed by the Repealing Act, 1927 (12 of 1927)

² The entry relating to United Provinces Act 3 of 1911 was repealed, *ibid*

(The First Schedule. Part VI.—United Provinces Acts.)

Year.	No.	Short title or subject.	Amendments.
1910	IV	The United Provinces Exercise Act, 1910— <i>concl'd.</i>	<p>In clause (a) of section 14, the words "with the sanction of the Governor General in Council" shall be omitted; and to the said section the following proviso shall be added, namely:—</p> <p>"Provided that, where the interests of any other Province may be affected, no notification shall be issued under clause (a) without the previous sanction of the Government of India."</p>
1916	II	The United Provinces Municipalities Act, 1916.	<p>In sub-section (2) of section 3, the word "or" at the end of clause (a) and the whole of clauses (b) and (c) shall be omitted.</p> <p>In section 80, for the words "Governor General in Council", where they first occur, the words "Local Government," shall be substituted, and after the words "Governor General in Council" where they occur for the second time, the words "or Local Government" shall be inserted.</p> <p>In sub-section (1) of section 128, for the words "Governor General in Council", where they first occur, the words "Local Government" shall be substituted, and after clause (xiii) the following clause shall be inserted namely:—</p> <p>"(xiii-A) any other tax which, under rules made under clause (a) of section 80-A, sub-section (3), of the Government of India Act, a local authority may be authorised to impose by any law made by the local legislature without the previous sanction of the Governor General."</p> <p>In clause (xiv) of the same sub-section for the words "any other tax" the following shall be substituted, namely:—"any tax not authorised under clauses (i) to (xiii-A)."</p> <p>In sub-section (2) of section 133, after the word and figures "clause (xiii)" the words and figures "or under clause (xiii-A)" shall be inserted.</p>

(The First Schedule Part VII—Punjab Acts.)

Year	No	Short title or subject	Amendment.
<i>Part VII.—Punjab Acts.</i>			
1911	III	The Punjab Municipal Act, 1911	<p>In section 61, for the words "Governor General in Council", where they first occur, the words "Local Government" shall be substituted, and after clause (B) (i) the following clause shall be inserted, namely —</p> <p>"(j) any other tax which, under rules made under clause (a) of section 80 A, sub-section (3), of the Government of India Act, a local authority may be authorised to impose by any law made by the local legislature without the previous sanction of the Governor General'.</p> <p>In sub-section (1) of section 238, the words "with the previous approval of the Governor General in Council" and the proviso shall be omitted</p>
1912	V	The Colonization of Government Lands (Punjab) Act, 1912	<p>In the proviso to section 4, after the words "Provided that" the words "unless the Local Government by general or special order otherwise directs" shall be inserted, and the words "without the previous sanction of the Governor General in Council" shall be omitted.</p>
1914	I	The Punjab Excise Act, 1914	<p>In sections 4 and 17, the words "with the previous sanction of the Governor General in Council" shall be omitted</p> <p>To section 4 the following proviso shall be added, namely —</p> <p>"Provided that, where the interests of any other Province may be affected, no such declaration shall be made without the previous sanction of the Governor General in Council."</p> <p>To section 17 the following proviso shall be added, namely :—</p> <p>"Provided that, where the interests of any other Province may be affected, no notification shall be issued under clause (a) without the previous sanction of the Governor General in Council"</p>

(The First Schedule. Part VI.—United Provinces Acts.)

Year.	No.	Short title or subject.	Amendments.
1910	IV	The United Provinces Ex- cise Act, 1910— <i>concl'd.</i>	<p>In clause (a) of section 14, the words "with the sanction of the Governor General in Council" shall be omitted; and to the said section the following proviso shall be added, namely:—</p> <p>"Provided that, where the interests of any other Province may be affected, no notification shall be issued under clause (a) without the previous sanction of the Government of India."</p>
1916	II	The United Provinces Municipalities Act, 1916.	<p>In sub-section (2) of section 3, the word "or" at the end of clause (a) and the whole of clauses (b) and (c) shall be omitted.</p> <p>In section 80, for the words "Governor General in Council", where they first occur, the words "Local Government," shall be substituted, and after the words "Governor General in Council" where they occur for the second time, the words "or Local Government" shall be inserted.</p> <p>In sub-section (1) of section 128, for the words "Governor General in Council", where they first occur, the words "Local Government" shall be substituted, and after clause (xiii) the following clause shall be inserted namely:—</p> <p>"(xiii-A) any other tax which, under rules made under clause (a) of section 80-A, sub-section (3), of the Government of India Act, a local authority may be authorised to impose by any law made by the local legislature without the previous sanction of the Governor General."</p> <p>In clause (xiv) of the same sub-section for the words "any other tax" the following shall be substituted, namely:—"any tax not authorised under clauses (i) to (xiii-A)."</p> <p>In sub-section (3) of section 133, after the word and figures "clause (xiii)" the words and figures "or under clause (xiii-A)" shall be inserted.</p>

(The First Schedule. Part VII.—Punjab Acts.)

Year.	No.	Short title or subject.	Amendments.
<i>Part VII.—Punjab Acts.</i>			
1911	III	The Punjab Municipal Act, 1911.	<p>In section 61, for the words "Governor General in Council", where they first occur, the words "Local Government" shall be substituted; and after clause (B) (i) the following clause shall be inserted, namely:—</p> <p>"(j) any other tax which, under rules made under clause (c) of section 80-A, sub-section (3), of the Government of India Act, a local authority may be authorised to impose by any law made by the local legislature without the previous sanction of the Governor General".</p> <p>In sub-section (1) of section 238, the words "with the previous approval of the Governor General in Council" and the proviso shall be omitted.</p>
1912	V	The Colonization of Government Lands (Punjab) Act, 1912.	<p>In the proviso to section 4, after the words "Provided that" the words "unless the Local Government by general or special order otherwise directs" shall be inserted, and the words "without the previous sanction of the Governor General in Council" shall be omitted.</p>
1914	I	The Punjab Excise Act, 1914.	<p>In sections 4 and 17, the words "with the previous sanction of the Governor General in Council" shall be omitted.</p> <p>To section 4 the following proviso shall be added, namely:—</p> <p>"Provided that, where the interests of any other Province may be affected, no such declaration shall be made without the previous sanction of the Governor General in Council."</p> <p>To section 17 the following proviso shall be added, namely:—</p> <p>"Provided that, where the interests of any other Province may be affected, no notification shall be issued under clause (a) without the previous sanction of the Governor General in Council."</p>

(The First Schedule. Part VIII.—Bihar and Orissa Acts.)

Year.	No.	Short title or subject.	Amendments.
<i>Part VIII.—Bihar and Orissa Acts.</i>			
1913	I	The Bihar and Orissa Board of Revenue Act, 1913.	In the proviso to section 3, the words "with the previous sanction of the Government of India" shall be omitted.
"	II	The Orissa Tenancy Act, 1913.	<p>In sub-section (7) of section 46, the words "subject to the control of the Governor General in Council" shall be omitted.</p> <p>In sub-section (1) of section 112, the words "with the previous sanction of the Governor General in Council and may" and the words "without such sanction in any of the cases next hereinafter mentioned" shall be omitted.</p> <p>In sub-section (2) of the said section, for the words from "The cases" to "the following" the following shall be substituted, namely :— "In particular and without prejudice to the generality of the foregoing power, the Local Government may make such an order in the following cases."</p> <p>In sub-section (3) of section 128, for the words "Governor General in Council" the words "Local Government" and for the words "Gazette of India" the words "local official Gazette" shall be substituted.</p> <p>In sub-section (1) of section 143, the words "with the previous sanction of the Governor General in Council" shall be omitted.</p> <p>In sub-section (3) of the same section, for the words "Governor General in Council", where they occur in both places, the words "Local Government" shall be substituted.</p> <p>In sub-section (1) of section 192, the words "with the previous sanction of the Governor General in Council" and the words "with the like sanction" shall be omitted.</p>
1915	II	The Bihar and Orissa Excise Act, 1915.	In sections 4 and 11, the words "with the previous sanction of the Government of India" shall be omitted.

(The First Schedule. Part VIII.—Bihar and Orissa Acts. Part IX.—
Eastern Bengal and Assam Act. Part X.—Central Provinces Acts.)

Year.	No.	Short title or subject.	Amendments.
1915	II	The Bihar and Orissa Excise Act, 1915— <i>concl'd.</i>	<p>To section 4 the following proviso shall be added, namely :—</p> <p>"Provided that, where the interests of any other Province may be affected, no such declaration shall be made without the previous sanction of the Government of India."</p> <p>To section 11, the following proviso shall be added, namely :—</p> <p>"Provided that, where the interests of any other Province may be affected, no notification shall be issued under clause (a) without the previous sanction of the Government of India."</p>

Part IX.—Eastern Bengal and Assam Act.

1910	I	The Eastern Bengal and Assam Excise Act, 1910.	<p>In section 4, the words "with the previous sanction of the Governor General in Council" shall be omitted, and to the said section the following proviso shall be added, namely :—</p> <p>"Provided that, where the interests of any other Province may be affected, no such declaration shall be made without the previous sanction of the Governor General in Council."</p> <p>In section 12, the words "with the sanction of the Governor General in Council" shall be omitted, and to the said section the following proviso shall be added, namely :—</p> <p>"Provided that, where the interests of any other Province may be affected, no notification shall be issued under clause (a) without the previous sanction of the Governor General in Council."</p>
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Part X.—Central Provinces Acts.

1913	II	The Central Provinces Excise Act, 1913.	<p>In clause (3) of section 2, the words "subject to the control of the Governor General in Council" shall be omitted.</p> <p>In sections 4 and 8, the words "with the previous sanction of the Governor General in Council" shall be omitted.</p>
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(The First Schedule. . Part X.—Central Provinces Acts. Part XI.—Burma Acts.)

Year.	No.	Short title or subject.	Amendments.
1915	II	The Central Provinces Exeise Act, 1915— <i>concl'd.</i>	<p>To section 4 the following proviso shall be added, namely :—</p> <p>“ Provided that, where the interests of any other Province may be affected, no such declaration shall be made without the previous sanction of the Governor General in Council.”</p> <p>To section 8 the following proviso shall be added, namely :—</p> <p>“ Provided that, where the interests of any other Province may be affected, no notification shall be issued under clause (a) without the previous sanction of the Governor General in Council.”</p>
1917	I	The Central Provinces Courts Act, 1917.	<p>In sub-section (1) of section 4, the words “ with the sanction of the Governor General in Council ” shall be omitted, and after the word “ Judges ” the words “ who shall be appointed by the Local Government and ” shall be inserted.</p> <p>For sub-section (2) of the same section the following shall be substituted, namely :—</p> <p>“ (2) The Local Government shall appoint one of such Judges to be the Judicial Commissioner, and the others shall be Additional Judicial Commissioners.”</p>
”	II	The Central Provinces Land Revenue Act, 1917.	<p>Section 4 shall be omitted.</p> <p>In sub-section (2) of section 5, for the words “ with the previous sanction ” the words “ subject to the control ” shall be substituted.</p> <p>In sub-section (1) of section 8, the words “ with the previous sanction of the Governor General in Council ” shall be omitted.</p>
<i>Part XI.—Burma Acts.</i>			
1898	III	The Burma Municipal Act, 1898.	<p>In sections 37, 38 and 38-B, after the words “ Governor General in Council ”, wherever they occur, the words “ or of the Local Government ” shall be inserted.</p>

(The First Schedule. Part XI.—Burma Acts.)

Year.	No.	Short title or subject.	Amendments.
1898	III	The Burma Municipal Act, 1898— <i>concl.</i>	<p>In sub-section (1) of section 46, for the words "Governor General in Council" the words "Local Government" shall be substituted, and after clause (h) of division (A) the following clause shall be inserted, namely:—</p> <p>"(i) any other tax which, under rules made under clause (u) of section 80-A, sub-section (3), of the Government of India Act, a local authority may be authorized to impose by any law made by the local legislature with the previous sanction of the Governor General."</p> <p>In division (B) of the same sub-section, for the words "any other tax" the words "any tax not authorised under division (A)" shall be substituted.</p>
"	IV	The Lower Burma Town and Village Lands Act, 1898.	In sections 17 (1) and 43, the words "subject to the control of the Governor General in Council" shall be omitted.
1899	IV	The Bangoon Police Act, 1899.	<p>In sections 6 and 9, after the word "subject" the words "in the case of officers of the Indian Police of and above the rank of Assistant Superintendent" shall be inserted.</p> <p>In section 7, for the words from "may appoint" to the end of the section the following shall be substituted, namely:—</p> <p>"may, subject to rules made under section 43-A of the Government of India Act, appoint so many Superintendents of Police as it thinks fit."</p>
1902	IV	The Burma Forest Act, 1902.	In section 23, for the words "Governor General in Council" the words "Local Government" shall be substituted.
1903	IV	The Rangoon Port Act, 1903.	In sub-section (1) of section 5, the words "with the previous sanction of the Governor General in Council" shall be omitted.

(The First Schedule. Part XI.—Burma Acts.)

Year.	No.	Short title or subject.	Amendments.
1907	VI	The Burma Village Act, 1907.	In sub-section (7) of section 29, the words "subject to the control of the Governor General in Council" shall be omitted.
1910	I	The Burma Process Fees Act, 1910.	In section 3, the words "subject to the control of the Governor General in Council and" shall be omitted.
1917	IV	The Rangoon Hackney Carriages Act, 1917.	In section 2, the words "subject to the control of the Governor General in Council" shall be omitted; and to the same section the following proviso shall be added, namely :— "Provided that the Local Government, when extending this Act or any provisions thereof to any cantonment, shall exercise its powers under this section subject to the control of the Governor General in Council."
"	V	The Burma Excise Act, 1917.	In section 3, the words "subject to the control of the Governor General in Council" shall be omitted, and to the said section the following proviso shall be added, namely :— "Provided that where the interests of any other Province may be affected, such declaration shall be made subject to the control of the Governor General in Council." In section 8, the words "with the sanction of the Governor General in Council" shall be omitted and to the said section the following proviso shall be added, namely :— "Provided that, where the interests of any other Province may be affected, no notification prohibiting the import or export of any excisable article shall be issued without the sanction of the Governor General in Council."

[THE SECOND SCHEDULE.]

Repealed by the Repealing Act, 1927 (12 of 1927).

(Preliminary. Part I.—Amendment of the Indian Penal Code and Code of Criminal Procedure.)

ACT No. XXXIX OF 1920.¹

[14th September, 1920.]

An Act to provide for the punishment of malpractices in connection with elections, and to make further provisions for the conduct of inquiries in regard to disputed elections to legislative bodies constituted under the Government of India Act.

WHEREAS it is expedient to provide for the punishment of malpractices in connection with elections, and to make further provision for the conduct of inquiries in regard to disputed elections to legislative bodies constituted under the Government of India Act; It is hereby enacted as follows :—

PRELIMINARY.

1. (1) This Act may be called the Indian Elections Offences and Inquiries Act, 1920; and Short title
and extent.
- (2) It extends to the whole of British India.

PART I.

AMENDMENT OF THE INDIAN PENAL CODE AND CODE OF CRIMINAL PROCEDURE.

2. (1) In section 21 of the Indian Penal Code, after the tenth entry, Amendment
of the Indian
Penal Code. the following shall be inserted, namely, " Eleventh.—Every person who holds any office in virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election "; and after *Explanation* 2, the following shall be added, namely :—

" *Explanation* 3.—The word ' election ' denotes an election for the purpose of selecting members of any legislative, municipal or other public authority, of whatever character, the method of selection to which is by, or under, any law prescribed as by election."

¹ For Statement of Objects and Reasons, see Gazette of India, 1920, Pt. V, p. 134; for Report of Select Committee, see *ibid*, 1920, Pt. V, p. 177, and for Proceedings in Council, see *ibid*, 1920, Pt. VI, pp. 1004 and 1146.

(Part I.—Amendment of the Indian Penal Code and Code of Criminal Procedure.)

(2) After Chapter IX of the same Code the following Chapter shall be inserted, namely :—

“ CHAPTER IXA.

Of offences relating to elections.

“Candidate”
“electoral
right”
defined.

171A. For the purposes of this Chapter—

(a) “ candidate ” means a person who has been nominated as a candidate at any election and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate thereat; provided that he is subsequently nominated as a candidate at such election;

(b) “ electoral right ” means the right of a person to stand or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election.

Bribery.

171B. (1) Whoever—

- (i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or
- (ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right,

commits the offence of bribery :

Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.

(2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.

(3) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

Undue in-
fluence at
elections.

171C. (1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.

(Part I.—Amendment of the Indian Penal Code and Code of Criminal Procedure.)

(2) Without prejudice to the generality of the provisions of sub-section (1), whoever—

- (a) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or
- (b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1).

(3) A declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.

171D. Whoever at an election applies for a voting paper or votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election.

Personation at elections.

171E. Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both :

Punishment for bribery.

Provided that bribery by treating shall be punished with fine only.

Explanation.—' Treating ' means that form of bribery where the gratification consists in food, drink, entertainment, or provision.

171F. Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Punishment for undue influence or personation at an election.

171G. Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate shall be punished with fine:—

False statement in connection with an election.

(Part I.—Amendment of the Indian Penal Code and Code of Criminal Procedure.)

Illegal pay-
ments in
connection
with an
election.

171H. Whoever without the general or special authority in writing of a candidate incurs or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees :

Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

Failure to
keep election
accounts.

171-I. Whoever being required by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts shall be punished with fine which may extend to five hundred rupees."

Amendment
of the Code
of Criminal
Procedure.

3. (1) In section 196 of the Code of Criminal Procedure, 1898, V c after the words " Chapter VI " the words " or IX A " shall be inserted.

(2) In Schedule II to the same Code, after the entries relating to Chapter IX of the Indian Penal Code the following shall be added, XL 186
namely :—

" CHAPTER IX A.—OFFENCES RELATING TO ELECTIONS.

171E	Bribery .	Shall not arrest without warrant.	Summons	Ballable .	Not com- pound- able.	Imprisonment of either des- cription for one year, or fine, or both or if treating only, fine only.	Presidency Ma- gistrate or Magistrate of the First Class.
171F	Undue influ- ence and per- sonation at an election.	Do.	Do.	Do.	Do.	Imprisonment of either des- cription for one year, or fine, or both.	Do.
171G	False state- ment in con- nection with an election.	Do.	Do.	Do.	Do.	Fine . . .	Do.
171H	Illegal pay- ments in con- nection with elections.	Do.	Do.	Do.	Do.	Fine of 500 ru- pees.	Do.
171I	Failure to keep election accounts.	Do.	Do.	Do.	Do.	Fine of 500 ru- pees.	Do.

(Part II.—Election inquiries and other matters.)

PART II.

ELECTION INQUIRIES AND OTHER MATTERS.

4. In this Part, unless there is anything repugnant in the subject or Definitions, context,—

(a) "costs" means all costs, charges and expenses of, or incidental to, an inquiry;

(b) "election" means an election to either Chamber of the Indian Legislature or to a Legislative Council constituted under the Government of India Act;

(c) "inquiry" means an inquiry in respect of an election by Commissioners appointed for that purpose by the Governor General, Governor or Lieutenant-Governor;

(d) "pleader" means any person entitled to appear and plead for another in a Civil Court, and includes an advocate, a vakil, and an attorney of a High Court.

5. Commissioners appointed to hold an inquiry shall have the powers which are vested in a Court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters :—

Powers of
Commissioners.

(a) discovery and inspection,

(b) enforcing the attendance of witnesses, and requiring the deposit of their expenses,

(c) compelling the production of documents,

(d) examining witnesses on oath,

(e) granting adjournments,

(f) reception of evidence taken on affidavit, and

(g) issuing commissions for the examination of witnesses,

and may summon and examine *suo motu* any person whose evidence appears to them to be material; and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

Explanation.—For the purposes of enforcing the attendance of witnesses, the local limits of the Commissioners' jurisdiction shall be the limits of the Province in which the election was held.

(Part II.—*Election inquiries and other matters.*)

Application
of Act I of
1872 to
inquiries.

6. The provisions of the Indian Evidence Act, 1872, shall, subject I of 1872 to the provisions of this Act, be deemed to apply in all respects to an inquiry.

Document-
ary evidence.

7. Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence on the ground that it is not duly stamped or registered.

Obligation
of witness
to answer
any certifi-
cate of in-
demnity.

8. (1) No witness shall be excused from answering any question as to any matter relevant to a matter in issue in an inquiry upon the ground that the answer to such question will criminate or may tend, directly or indirectly, to criminate him; or that it will expose, or tend, directly or indirectly, to expose him to a penalty or forfeiture of any kind :

Provided that—

(i) no person who has voted at an election shall be required to state for whom he has voted; and

(ii) a witness who, in the opinion of the Commissioners, has answered truly all questions which he has been required by them to answer shall be entitled to receive a certificate of indemnity, and such certificate may be pleaded by such person in any Court and shall be deemed to be a full and complete defence to or upon any charge under Chapter IXA of the Indian Penal Code arising out of the matter to which such certificate relates, nor shall any such answer be admis-^{XLV of 1860.}sible in evidence against him in any suit or other proceeding.

(2) Nothing in sub-section (1) shall be deemed to relieve a person receiving a certificate of indemnity from any disqualification in connection with an election imposed by any law or any rule having the force of law.

Appearance
by pleader.

9. Any appearance, application or act before the Commissioners may be made or done by the party in person or by a pleader duly appointed to act on his behalf :

Provided that any such appearance shall, if the Commissioners so direct, be made by the party in person.

(Part II.—Election inquiries and other matters.)

10. The reasonable expenses incurred by any person in attending to give evidence may be allowed by the Commissioners to such person, and shall, unless the Commissioners otherwise direct, be deemed to be part of the costs. Expenses of witnesses.

11. (1) Costs shall be in the discretion of the Commissioners, and the Commissioners shall have full power to determine by and to whom and to what extent such costs are to be paid and to include in their report all necessary recommendations for the purposes aforesaid. The Commissioners may allow interest on costs at a rate not exceeding six per cent. per annum, and such interest shall be added to the costs. Costs and pleaders' fees, etc.

(2) The fees payable by a party in respect of fees of his adversary's pleader shall be such fees as the Commissioners may allow.

12. Any order made by the Governor, General or Governor or Lieutenant-Governor on the report of the Commissioners regarding the costs of the inquiry may be produced before the principal Civil Court of original jurisdiction within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business, or, where such place is within the local limits of the ordinary original civil jurisdiction of a chartered High Court, before the Court of Small Causes having jurisdiction there, and such Court shall execute such order or cause it to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit. Execution of orders as to costs.

13. Any person who has been convicted of an offence under section 171E or 171F of the Indian Penal Code or has been disqualified from exercising any electoral right, for a period of not less than five years, on account of malpractices in connection with an election shall be disqualified for five years from the date of such conviction or disqualification from— Disqualification of persons found guilty of election offences.

- (a) being appointed to, or acting in, any judicial office;
- (b) being elected to any office of any local authority when the appointment to such office is by election, or holding or exercising any such office to which no salary is attached;
- (c) being elected or sitting or voting as a member of any local authority; or
- (d) being appointed or acting as a trustee of a public trust;

(Part II.—Election inquiries and other matters.)

Provided that the Governor General, in the case of an election to the Council of State or the Legislative Assembly, and the Governor or the Lieutenant-Governor, in the case of an election to his Legislative Council, may exempt any such person from such disqualification.

Maintenance
of secrecy
of voting.

14. (1) Every officer, clerk, agent or other person who performs any duties in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who wilfully acts in contravention of the provisions of this section shall be punished with imprisonment of either description for a term not exceeding three months or with fine, or with both.

THE ALIGARH MUSLIM UNIVERSITY ACT, 1920.

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(Part II.—*Election inquiries and other matters.*)

Provided that the Governor General, in the case of an election to the Council of State or the Legislative Assembly, and the Governor or the Lieutenant-Governor, in the case of an election to his Legislative Council, may exempt any such person from such disqualification.

Maintenance
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(2) Any person who wilfully acts in contravention of the provisions of this section shall be punished with imprisonment of either description for a term not exceeding three months or with fine, or with both.

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 24. Acting President of meetings.
 25. Resignations.
 26. Re-election.
-

THE ANNEXURE.—Foundation Members of the First Court.

ACT XL OF 1920.¹

[14th September, 1920.]

An Act to establish and incorporate a teaching and residential Muslim University at Aligarh.

WHEREAS it is expedient to establish and incorporate a teaching and residential Muslim University at Aligarh, and to dissolve the Societies registered under the Societies' Registration Act, 1860, which are respectively known as the Muhammadan Anglo-Oriental College, Aligarh, and the Muslim University Association, and to transfer to and vest in the said University all properties and rights of the said Societies and of the Muslim University Foundation Committee;

It is hereby enacted as follows :—

Short title
and com-
mencement.

1. (1) This Act may be called the Aligarh Muslim University Act, 1920.

(2) It shall come into force on such date² as the Governor General in Council may, by notification in the Gazette of India, appoint.

Definitions.

2. In this Act, and in all Statutes made hereunder, unless there is anything repugnant in the subject or context,—

- (a) "Academic Council" means the Academic Council of the University;
- (b) "Court" means the Court of the University;
- (c) "Executive Council" means the Executive Council of the University;
- (d) "Hall" means a unit of residence for students of the University, provided or maintained by the University;
- (e) "registered graduates" means graduates registered under the provisions of this Act;
- (f) "Statutes," "Ordinances" and "Regulations" mean, respectively, the Statutes, Ordinances and Regulations of the University for the time being in force;

¹ For Statement of Objects and Reasons, see Gazette of India, 1920, Pt. V, p. 147; for Report of Select Committee, see *ibid*, 1920, Pt. V, p. 236, and for Proceedings in Council, see *ibid*, 1920, Pt. VI, pp. 1057, 1105 and 1178.

² This Act was brought into force from the 1st December 1920, see Gen. R. and O., Vol. IV, p. 573.

(The University)

- (g) " teachers " means Professors, Readers, Lecturers, Demonstrators and such other persons as may be appointed for imparting instruction in the University or a Hall, and
- (h) " University " means the Aligarh Muslim University

The University

3. The First Chancellor, Pro Chancellor and Vice Chancellor who shall be the persons appointed in this behalf by a notification of the Governor General in Council in the Gazette of India, and the persons specified in the Schedule as the first members of the Court and all persons, who may hereafter become, or be appointed as, such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of the Aligarh Muslim University and shall have perpetual succession and a Common Seal and shall sue and be sued by that name

4 From the commencement of this Act—

- (i) the Societies known as the Muhammadan Anglo-Oriental College, Aligarh, and the Muslim University Association shall be dissolved, and all property, moveable and immoveable, and all rights, powers and privileges of the said Societies and all property, moveable and immoveable, and all rights, powers and privileges of the Muslim University Foundation Committee shall be transferred to and vest in the University and shall be applied to the objects and purposes for which the University is incorporated,

Dissolution of the Muhammadan Anglo-Oriental College, Aligarh, and the Muslim University Association and transfer of all property to the University.

- (ii) all debts, liabilities and obligations for the said Societies and Committee shall be transferred to the University and shall thereafter be discharged and satisfied by it;
- (iii) all references in any enactment to either of the said Societies or to the said Committee shall be construed as references to the University,
- (iv) any will, deed or other document, whether made or executed before or after the commencement of this Act, which contains any bequest, gift or trust in favour either of the said Societies or of the said Committee shall, on the commencement of this Act, be construed as if the University was therein named instead of such Society or Committee;

(The University.)

(v) subject to any orders which the Court may make, the buildings which belonged to the Muhammadan Anglo-Oriental College, Aligarh, shall continue to be known and designated by the names and styles by which they were known and designated immediately before the commencement of this Act;

(vi) subject to the provisions of this Act, every person employed immediately before the commencement of this Act in the Muhammadan Anglo-Oriental College, Aligarh, shall hold employment in the University by the same tenure and upon the same terms and conditions and with the same rights and privileges as to pension and gratuity as he would have held the same under the Muhammadan Anglo-Oriental College, Aligarh, if this Act had not been passed.

Powers of
the
University.

5. The University shall have the following powers, namely:—

(1) to provide for instruction in such branches of learning as the University may think fit, and to make provision for research and for the advancement and dissemination of knowledge;

(2) to promote Oriental and Islamic studies and give instruction in Muslim theology and religion and to impart moral and physical training;

(3) to hold examinations and to grant and confer degrees and other academic distinctions to and on persons who—

(a) shall have pursued a course of study in the University, or

(b) are teachers in educational institutions,

under conditions laid down in the Statutes and Ordinances, and shall have passed the examinations of the University, under like conditions;

(4) to confer honorary degrees or other distinctions on approved persons in the manner laid down in the Statutes;

(5) to grant such diplomas to and to provide such lectures and instruction for persons, not being members of the University, as the University may determine;

(6) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine;

(7) to institute Professorships, Readerships, Lectureships and any other teaching posts required by the University, and to appoint persons to such Professorships, Readerships, Lectureships and posts;

(The University)

(8) to institute and award Fellowships (including Travelling Fellowships), Scholarships, Exhibitions and Prizes in accordance with the Statutes and the Ordinances,

(9) to institute and maintain Halls for the residence of students of the University;

(10) to demand and receive such fees and other charges as may be prescribed by the Ordinances,

(11) to supervise and control the residence and discipline of students of the University, and to make arrangements for promoting their health, and

(12) to do all such other acts and things whether incidental to the powers aforesaid or not as may be requisite in order to further the objects of the University as a teaching and examining body, to cultivate and promote arts, science and other branches of learning, including professional studies, technology, Islamic learning and Muslim theology, and to promote the interests of its students

6. The degrees, diplomas and other academic distinctions granted or conferred to or on persons by the University shall be recognised by the Government as are the corresponding degrees, diplomas and other academic distinctions granted by any other University incorporated under any enactment Recognition of degrees

7. The University shall invest and keep invested in securities in which trust funds may be invested in accordance with the law for the time being in force relating to trusts in British India a sum of thirty lakhs of rupees as a permanent endowment to meet the recurring charges of the University other than charges in respect of Fellowships, Scholarships, Prizes and rewards Reserve funds

Provided that—

(1) any Government securities as defined in the Indian Securities Act, 1920, which may be held by the University shall, for the purposes of this section, be reckoned at their face value, and

(2) the aforesaid sum of thirty lakhs shall be reduced by such sums as, at the commencement of this Act, the Governor General in Council

(The University.)

shall, by order in writing, declare to be the total capitalised value, for the purpose of this section—

(a) of all permanent recurring grants of money which have been made either to the Muhammadan Anglo-Oriental College, Aligarh, the Muslim University Association or the Muslim University Foundation Committee, by any Ruler of a State in India; and

(b) of the total income accruing from immoveable property (not being land or buildings, in the occupation and use of the said College) which by the operation of this Act has been transferred to the University.

University
open to all
races, creeds
and classes.

8. The University shall, subject to the provisions of this Act and the Ordinances, be open to all persons of either sex and of whatever race, creed or class :

Provided that special provision may be made by the Ordinances exempting women from attending at public lectures and tutorial classes and prescribing for them special courses of study.

Religious
instruction.

9. The Court shall have power to make Statutes providing that instruction in the Muslim religion shall be compulsory in the case of Muslim students.

Residence of
students.

10. Every student of the University shall reside either in a Hall or under such conditions as may be prescribed by the Ordinances.

Teaching of
the
University.

11. (1) All recognised teaching in connection with the University courses shall be conducted by and in the name of the University and shall include lecturing, laboratory work and other teaching conducted in the University by the teachers thereof in accordance with any syllabus prescribed by Regulations.

(2) Recognised teaching shall also include tutorial instruction given in the University or, under the control of the University, in Halls : provided that every student not residing in a Hall shall be attached to a Hall for such tutorial instruction and disciplinary supervision and for such other purposes as may be prescribed by the Ordinances.

(3) The authorities responsible for organising such teaching shall be prescribed by the Statutes.

(4) The courses shall be prescribed by the Ordinances.

ACT No. XVIII OF 1931.

(PASSED BY THE INDIAN LEGISLATURE)

(Received the assent of the Governor General on the 1st October, 1931)

An Act to amend the Aligarh Muslim University Act, 1920, for certain purposes.

WHEREAS it is expedient to amend the Aligarh Muslim University Act, 1920, for the purposes hereinafter appearing, It is hereby enacted as follows:—

1 (1) This Act may be called the Aligarh Muslim University (Amendment) Act, 1931.

Short title and commencement

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

2 For section 12 of the Aligarh Muslim University Act, 1920 (hereinafter referred to as the said Act), the following sections shall be substituted, namely:—

Amendment of section 12 of Act XL of 1920

“12 (1) The University shall subject to the Statutes, have power to establish and maintain high schools, within such limits in the Aligarh District as may be laid down in the Ordinances, for the purpose of preparing students for admission to the University and may provide for instruction in the Muslim religion and the Law therein.

Power to establish and maintain high schools and other institutions

(2) The University may also with the sanction of the Governor General in Council on the recommendation of the Visiting Board and subject to the Statutes and Ordinances establish and maintain within such limits in the Aligarh District as may be laid down in the Ordinances, any other institution whose objects fall within the powers of the University as described in section 1.

12A With the approval of the Academic Council and the sanction of the Governor General in Council on the recommendation of the Visiting Board and subject to the Statutes and Ordinances the University may admit Intermediate colleges and schools in the Aligarh District to such privileges of the University as it thinks fit.

Power to recognize intermediate colleges and schools

12B In such directions as he may think fit and the Court shall comply with such directions.

(The University.)

shall, by order in writing, declare to be the total capitalised value, for the purpose of this section—

(a) of all permanent recurring grants of money which have been made either to the Muhammadan Anglo-Oriental College, Aligarh, the Muslim University Association or the Muslim University Foundation Committee, by any Ruler of a State in India; and

(b) of the total income accruing from immoveable property (not being land or buildings, in the occupation and use of the said College) which by the operation of this Act has been transferred to the University.

University
open to all
races, creeds
and classes.

8. The University shall, subject to the provisions of this Act and the Ordinances, be open to all persons of either sex and of whatever race, creed or class :

Provided that special provision may be made by the Ordinances exempting women from attending at public lectures and tutorial classes and prescribing for them special courses of study.

Religious
instruction.

9. The Court shall have power to make Statutes providing that instruction in the Muslim religion shall be compulsory in the case of Muslim students.

Residence of
students.

10. Every student of the University shall reside either in a Hall or under such conditions as may be prescribed by the Ordinances.

Teaching of
the
University.

11. (1) All recognised teaching in connection with the University courses shall be conducted by and in the name of the University and shall include lecturing, laboratory work and other teaching conducted in the University by the teachers thereof in accordance with any syllabus prescribed by Regulations.

(2) Recognised teaching shall also include tutorial instruction given in the University or, under the control of the University, in Halls : provided that every student not residing in a Hall shall be attached to a Hall for such tutorial instruction and disciplinary supervision and for such other purposes as may be prescribed by the Ordinances.

(3) The authorities responsible for organising such teaching shall be prescribed by the Statutes.

(4) The courses shall be prescribed by the Ordinances.

ACT No. XVIII OF 1931.

(PASSED BY THE INDIAN LEGISLATURE.)

(Received the assent of the Governor General on the 1st October, 1931.)

An Act to amend the Aligarh Muslim University Act, 1920, for certain purposes.

1920. **WHEREAS** it is expedient to amend the Aligarh Muslim University Act, 1920, for the purposes herein-after appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Aligarh Muslim University (Amendment) Act, 1931.

Short title and commencement

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

1920. 2. For section 12 of the Aligarh Muslim University Act, (hereinafter referred to as the said Act), the following sections shall be substituted, namely:—

Amendment of section 12. Act XL of 1920

“ 12. (1) The University shall, subject to the Statutes, have power to establish and maintain high schools, within such limits in the Aligarh District as may be laid down in the Ordinances, for the purpose of preparing students for admission to the University, and may provide for instruction in the Muslim religion and theology therein.

Power to establish and maintain high schools and other institutions

(2) The University may also, with the sanction of the Governor General in Council on the recommendation of the Visiting Board, and subject to the Statutes and Ordinances, establish and maintain, within such limits in the Aligarh District as may be laid down in the Ordinances, any other institution whose objects fall within the powers of the University as described in section 5.

12A. With the approval of the Academic Council and the sanction of the Governor General in Council on the recommendation of the Visiting Board, and subject to the Statutes and Ordinances, the University may admit Intermediate colleges and schools in the Aligarh District to such privileges of the University as it thinks fit.”

Power to recognise intermediate colleges and schools

ISSUE SUCH DIRECTIONS AS HE MAY THINK FIT, AND THE COURT SHALL COMPLY WITH SUCH DIRECTIONS.

The Visiting Board.

The Visiting
Board.

14. (1) The Visiting Board of the University, if and when the United Provinces of Agra and Oudh become a Governor's Province within the meaning of the Government of India Act, shall consist of the Governor thereof, the members of the Executive Council, the Ministers, one member nominated by the Governor and one member nominated by the Minister in charge of Education :

Provided that until a Governor's Province is so constituted, the Lieutenant-Governor of the said Provinces shall discharge and perform the duties of the Visiting Board.

(2) The Visiting Board shall have the right through any of its members to inspect the University and to satisfy itself that the proceedings of the University are in conformity with the Act, Statutes and Ordinances. The Visiting Board shall in every case give notice to the University of its intention to inspect, and the University shall be entitled to be represented at such inspection.

(3) Visiting Board may, by order in writing, annul any proceedings not in conformity with the Act, Statutes and Ordinances, provided that before making any such order the Board shall call upon the University to show cause why such order should not be made, and if any cause is shown within reasonable time shall consider the same.

Rectors.

Rectors.

15. The persons specified in the Statutes shall be the Rectors of the University.

Officers of the University.

Officers of
the
University.

16. The following shall be officers of the University :—

- (1) The Chancellor,
- (2) The Pro-Chancellor,
- (3) The Vice-Chancellor,
- (4) The Pro-Vice-Chancellor, and
- (5) Such other officers as may be declared by the Statutes to be officers of the University.

(Officers of the University.)

17. (1) The successors to the first Chancellor shall be elected by the ^{The} Court. Chancellor.

(2) The Chancellor shall hold office for three years.

(3) The Chancellor shall, by virtue of his office, be the head of the University.

(4) The Chancellor shall, if present, preside at Convocations of the University held for conferring degrees and at meetings of the Court.

(5) Every proposal for the conferment of an honorary degree shall be subject to the confirmation of the Chancellor.

18. (1) The successors to the first Pro-Chancellor shall be elected by ^{The Pro-} the Court. Chancellor.

(2) The Pro-Chancellor shall hold office for three years.

(3) Casual vacancies in the office of the Pro-Chancellor shall be filled by the Chancellor on the recommendation of the Executive Council. The person so appointed shall hold office till the next annual meeting of the Court.

(4) The Pro-Chancellor shall, in the absence of the Chancellor, exercise the functions of the Chancellor.

19. (1) The successors to the first Vice-Chancellor shall be elected by ^{The Vice-} the Court from among its members. Every such election shall be sub- Chancellor. ject to the approval of the Governor General in Council.

(2) The Vice-Chancellor shall exercise such powers and perform such functions as may be prescribed by the Statutes.

20. (1) The Pro-Vice-Chancellor shall be appointed by the Court. ^{The Pro-}

(2) He shall hold office for such term and with such powers and ^{Vice-} subject to such conditions as may be prescribed by the Statutes. Chancellor.

21. The powers of officers of the University other than the Chan- ^{Other} cellor, the Pro-Chancellor, the Vice-Chancellor and the Pro-Vice- ^{Offi- cers.} Chancellor shall be prescribed by the Statutes and the Ordinances.

Authorities of the University.

Authorities
of the
University.

22. The following shall be the authorities of the University :—

- (1) The Court,
- (2) The Executive Council,
- (3) The Academic Council, and
- (4) Such other authorities as may be declared by the Statutes to be authorities of the University.

The Court.

23. (1) The Court shall consist of the Chancellor, the Pro-Chancellor and the Vice-Chancellor for the time being, and such other persons as may be specified in the Statutes :

Provided that no person other than a Muslim shall be a member thereof.

(2) The Court shall be the supreme governing body of the University and shall exercise all the powers of the University, not otherwise provided for by this Act, the Statutes, the Ordinances and the Regulations. It shall have power to review the acts of the Executive and the Academic Councils (save where such Councils have acted in accordance with powers conferred on them under this Act, the Statutes or the Ordinances) and direct that necessary action be taken by the Executive or the Academic Council, as the case may be, on any recommendations of the Lord Rector.

(3) Subject to the provisions of this Act, the Court shall exercise the following powers and perform the following duties, namely :—

- (a) of making Statutes and of amending or repealing the same ;
- (b) of considering Ordinances ;
- (c) of considering and passing resolutions on the annual report, the annual accounts and the financial estimates ;
- (d) of electing such persons to serve on authorities of the University and of appointing such officers as may be prescribed by this Act or the Statutes ; and
- (e) of exercising such other powers and performing such other duties as may be conferred or imposed upon it by this Act or the Statutes.

The
Executive
Council.

24. The Executive Council shall be the executive body of the University. Its constitution and the term of office of its members and its powers and duties shall be prescribed by the Statutes.

(Authorities of the University. Statutes, Ordinances and Regulations.)

25. (1) The Academic Council shall be the academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, have the control and general regulation of, and be responsible for the maintenance of standards of instruction, and for the education, examination, discipline and health of students, and for the conferment of degrees (other than honorary). The Academic Council.

(2) The constitution of the Academic Council and the term of office of its members and its powers and duties shall be prescribed by the Statutes.

26. The constitution, powers and duties of such other authorities as may be declared by the Statutes to be authorities of the University, shall be prescribed by the Statutes. Other authorities of the University.

Statutes, Ordinances and Regulations.

27. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely :— Power to make Statutes.

- (a) the conferment of honorary degrees and the appointment of Rectors;
- (b) the institution of Fellowships, Scholarships, Exhibitions, Medals and Prizes;
- (c) the terms of office, and the method and conditions of appointment of the officers of the University;
- (d) the designations and powers of officers of the University;
- (e) the constitution, powers and duties of the authorities of the University;
- (f) the classification and mode of appointment of teachers of the University;
- (g) the institution and maintenance of Halls;
- (h) the constitution of provident and pension funds for the benefit

Aligarh Muslim University [ACT XVIII OF 1931.]
(Amendment).

3. In clause (1) of section 27 of the said Act, for the words "Intermediate colleges and schools" the words "high schools and other institutions in accordance with the provisions of section 12" shall be substituted.

(Statutes, Ordinances and Regulations.)

Statutes.

28. (1) The first Statutes are those set out in the Schedule.

(2) The first Statutes may be amended, repealed or added to by Statutes made by the Court in the following manner :—

(a) The Executive Council may propose to the Court the draft of any Statute to be passed by the Court. Such draft shall be considered by the Court at its next meeting. The Court may approve such draft and pass the Statute, or may reject it or return it to the Executive Council for re-consideration, either in whole or in part, together with any amendments which the Court may suggest.

(b) The Executive Council shall not propose the draft of any Statute affecting the status, powers or constitution of any existing authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal. Any opinion so expressed shall be in writing and shall be considered by the Court.

(c) No new Statute or amendment or repeal of an existing Statute shall have any validity until it has been submitted through the Visiting Board (which may record its opinion thereon) to the Governor General in Council, and has been approved by the latter, who may sanction, disallow or remit it for further consideration :

Provided that no Statute dealing with the instruction of Muslim students in the Muslim religion and theology shall require to be so submitted or approved.

Power to
make
Ordinances.

29. Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely :—

(a) the courses of study to be ~~laid down for all degrees and diplomas~~ of the University;

(b) the conditions of the award of Fellowships, Scholarships, Exhibitions, Medals and Prizes;

(c) the conditions under which students may be admitted to the ~~degree or diploma courses and to the examinations of the~~ University, and shall be eligible for degrees and diplomas;

(d) the admission of students to the University;

(Statutes, Ordinances and Regulations)

Amendment of
section 29
Act XL of
1920

4 In section 29 of the said Act,—

(a) in clause (a), for the words "laid down for all degrees and diplomas of" the words "pursued in" shall be substituted,

(b) in clause (c), for the words "the degree or diploma courses end to the" the words "courses of study end" shall be substituted,

(c) for clause (j), the following clauses shall be substituted, namely —

"(j) the management of high schools and other institutions established under section 12,

(k) the supervision of Intermediate colleges and schools admitted to privileges of the University under section 12A, and", and

(d) clause (l) shall be relettered as clause (l)

tained by the University and the supervision of any Intermediate colleges and schools admitted to privileges under section 12, and

(f) all matters which by this Act or the Statutes are to be or may be provided for by Ordinances

30 (1) The Executive Council, or, in academic matters, the Academic Council may make Ordinances

(2) The first Ordinances shall be framed as directed by the Governor General in Council, and shall receive such previous approval as he may direct

(3) No new Ordinance, or amendment or repeal of an existing Ordinance shall have any validity until it has been submitted through the Court and the Visiting Board (which may record its opinion thereon) to the Governor General in Council, and has obtained the approval of the latter, who may sanction, disallow or remit it for further consideration

(4) If any question arises between the Executive and the Academic Councils as to which has the power to make an Ordinance, either Council may represent the matter to the Visiting Board who shall refer the same to a tribunal consisting of three members, one of whom shall be nominated by the Executive Council, one by the Academic Council, and one shall be a Judge of a High Court nominated by the Lord Rector.

(Admission and Examinations Annual Report and Accounts)

(5) Notwithstanding anything contained in this Act or the Ordinances, any student of the Muhammadan Anglo-Oriental College, Aligarh, who immediately before the commencement of this Act was studying for any examination of the Aligarh University higher than the Intermediate Examination shall be permitted to complete his course in preparation thereof. The University shall provide for such students instruction in accordance with the prospectus of studies of the Aligarh University and, notwithstanding anything contained in the Indian University Act, 1901, any such students may be admitted to the examinations of that University during a period not exceeding four years from the commencement of this Act.

VIII of 1904.

33. (1) All arrangements for the conduct of examinations shall be made, and all examiners shall be appointed by the Academic Council in such manner as may be prescribed by the Ordinances.

(2) At least one examiner who is not a member or a teacher of the University shall be appointed for each subject in a Department of Studies forming part of the course which is required for a University degree.

(3) The Academic Council shall appoint examination committees, consisting of members of its own body or of other persons or of both, as it thinks fit, to moderate examination questions, to prepare the results of the examinations and to report such results to the Executive Council for publication.

Annual Report and Accounts

34. The annual report of the University shall be prepared under the direction of the Executive Council, and shall be submitted to the Court on or before such date as may be prescribed by the Statutes, and shall be considered by the Court at its annual meeting. The Court may pass resolutions thereon and communicate the same to the Executive Council which shall take such action thereon as it thinks fit.

35. (1) The annual accounts and balance sheet of the University shall be prepared under the direction of the Executive Council, and shall be audited by an auditor appointed by the Auditing Board.

(Annual Report and Accounts. Supplementary Provisions)

(2) The annual accounts when audited shall be published in the Gazette of India and in the local official Gazette, and a copy of the accounts, together with the auditor's report, shall be submitted through the Visiting Board to the Lord Rector.

(3) The annual accounts and the financial estimates shall be considered by the Court at its annual meeting, and the Court may pass resolutions thereon and communicate the same to the Executive Council which shall take such action thereon as it thinks fit.

Supplementary Provisions.

Conditions
of service of
officers and
teachers.

36. (1) Every salaried officer and teacher of the University shall be appointed on a written contract, which shall be lodged with the University and a copy of which shall be furnished to the officer or teacher concerned.

(2) Any dispute arising out of a contract between the University and any of its officers or teachers shall, at the request of the officer or teacher concerned, be referred to a tribunal of arbitration consisting of one member appointed by the Executive Council, one member nominated by the officer or teacher concerned and an umpire appointed by the Visiting Board. The decision of the tribunal shall be final, and no suit shall lie in any Civil Court in respect of the matters decided by the tribunal. Every such request shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Indian Arbitration Act, 1899, and all the provisions of that Act, with IX of 1899. the exception of section 2 thereof, shall apply accordingly.

Provident
and pension
funds.

37. (1) The University shall constitute for the benefit of its officers, teachers and servants such provident and pension funds as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

(2) Where such provident or pension fund has been so constituted, the Governor General in Council may declare that the provisions of the Provident Funds Act, 1897, shall apply to such fund, as if it were a IX of 1897. Government provident fund.

Filling of
casual
vacancies.

38. (1) Subject to any provision in this Act and in the Statutes, the Executive Council shall appoint persons to fill casual vacancies in the offices of Vice-Chancellor and Pro-Vice-Chancellor. Persons so appointed shall hold office till the next meeting of the Court.

(Supplementary Provisions. The Schedule—First Statutes of the University.)

(2) Subject to the provisions of sub-section (3) of section 18, other casual vacancies in any office of any authority shall be filled up by the authority which has power to appoint to the office or authority : provided that when the Court is the appointing authority the casual vacancy shall be filled by the Executive Council, and the person so appointed shall hold office till the next meeting of the Court.

39. No act or proceeding of any authority of the University shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members.

40. (1) If any difficulty arises with respect to the establishment of the University or any authority of the University or in connection with the first meeting of any authority of the University, the Governor General in Council may by order¹ make any appointment or do anything which appears to him necessary or expedient for the proper establishment of the University or any authority thereof or for the first meeting of any authority of the University.

(2) Any such order may modify the provisions of this Act and the Statutes so far as may appear to the Governor General in Council to be necessary or expedient for carrying the order into effect.

The Schedule—First Statutes of the University.

(See section 28.)

1. (1) The following persons shall be Rectors of the University, Rectors, namely :—

(i) all Heads of Local Governments ;

(ii) such Rulers of States in India, Princes, and other persons as the Lord Rector may, of his own motion or on the recommendation of the Court, appoint.

(2) The Chancellor may also, on the recommendation of the Academic Council, appoint persons of eminent position or attainments to be Rectors.

¹ For such order, see Gen. R. and O., Vol. IV, p. 573.

(The Schedule —First Statutes of the University.)

The Vice-
Chancellor.

2. The Vice-Chancellor shall hold office for three years and shall be eligible for re-election.

Powers of
the Vice-
Chancellor.

3. (1) The Vice-Chancellor shall take rank in the University next to the Chancellor and the Pro-Chancellor, and shall be *ex-officio* Chairman of the Executive Council and the Academic Council, and, in the absence of the Chancellor and the Pro-Chancellor, shall preside at Convocations of the University held for conferring degrees and at meetings of the Court.

(2) It shall be the duty of the Vice-Chancellor to see that the Act, the Statutes, the Ordinances and the Regulations are duly observed, and he shall have all powers necessary for that purpose.

(3) He shall have the power of convening meetings of the Court and the Executive Council and shall perform all such acts as may be necessary to carry out or further the provisions of the Act, the Statutes and the Ordinances.

(4) If any emergency arises in which in his opinion immediate action should be taken, he shall take such action as he deems necessary and report the fact to the authority which in the ordinary course would have dealt with the matter.

(5) He shall be the sole medium of communication between the University and the following authorities, namely, the Governor General in Council, the Lord Rector and the Visiting Board.

The Pro-
Vice-
Chancellor.

4. (1) The Pro-Vice-Chancellor shall be the principal academic officer of the University and shall be a whole-time salaried officer thereof.

(2) He shall be an *ex-officio* member of the Executive Council and the Academic Council and, in the absence of the Vice-Chancellor, shall preside at meetings of the Academic Council. He shall also have power to convene meetings of the Academic Council.

(3) He shall hold office for five years and be eligible for re-appointment.

The
Treasurer.

5. (1) The Treasurer shall be appointed by the Court on such conditions and for such period as the Court may think fit.

(2) He shall exercise general supervision over the funds of the University and advise in regard to its financial policy.

(The Schedule—First Statutes of the University.)

(3) He shall be an *ex-officio* member of the Executive Council and shall, subject to the control of the Executive Council, manage the property and investments of the University. He shall be responsible for the presentation of the annual estimates and accounts.

(4) Subject to the powers of the Executive Council, he shall be responsible for seeing that all moneys are expended on the purposes for which they are granted or allotted.

(5) He shall exercise such other powers as may be prescribed by the Ordinances.

6. (1) The Registrar shall be a whole-time paid officer of the ^{The} University appointed by the Court. ^{Registrar.}

(2) He shall hold office for five years and shall be eligible for re-appointment.

(3) The Registrar shall—

(a) be the custodian of the records, the seal and such other property of the University as is committed to his charge;

(b) keep and maintain the register of registered graduates;

(c) attend and act as Secretary at meetings of the Executive and Academic Councils and, if deemed necessary, of the Departments of Studies, and any committees appointed by such bodies, and to keep the minutes thereof;

(d) under the superintendence of the Academic Council and the examination committees arrange for and superintend the examinations of the University; and

(e) perform such other duties as may from time to time be prescribed by the Ordinances and Regulations.

7. (1) The following officers shall be appointed by the Executive ^{The Proctor} Council on the recommendation of the Academic Council :— ^{and} ^{Librarian.}

(i) A Proctor for the maintenance of the discipline of the students of the University;

(ii) A Librarian for the University Library.

(2) The Academic Council may delegate to the Proctor such of its powers as regards discipline as it thinks fit.

(*The Schedule—First Statutes of the University.*)

The Court;

8. The Court shall, subject to provisions hereinafter contained, consist of the following members :—

Class I.—Ex-Officio Members.

The Chancellor, the Pro-Chancellor and the Vice-Chancellor for the time being shall be *Ex-Officio* Members.

Class II.—Foundation Members.

The persons named in the Annexure to this Schedule shall be Foundation Members.

Class III.—Life Members.

Every person who has contributed to the Muhammadan Anglo-Oriental College, Aligarh, the Muslim University Association or the Muslim University Foundation Committee a donation of one lakh of rupees or upwards or has transferred property of like value to any of the said institutions and all persons who shall hereafter make such a donation or transfer shall be a Life Member.

Class IV.—Ordinary Members.

Ordinary Members shall be persons elected or appointed as follows :—

- (1) Ten persons to represent such States in India as have contributed or shall contribute one lakh of rupees and upwards, together with a permanent recurring grant, to or for the purposes of the University, who shall be nominated by such States.
- (2) Sixty persons to be elected by persons who have made or shall make donations of five hundred rupees and upwards to or for the purposes of the University.
- (3) Forty persons to be elected by the registered graduates of the University, of whom not less than twenty shall for the first fifteen years after the commencement of this Act be persons who have been educated at the Muhammadan Anglo-Oriental College, Aligarh, and are members of an Association recognised for that purpose by the Court.

Persons to be eligible for election under this provision must be registered graduates of not less than ten years' standing.

- (4) Twenty persons to be elected by the Central Standing Committee of the All-India Muhammadan Educational Conference

(The Schedule.—First Statutes of the University.)

from among its own members, not less than ten of whom shall be persons who have been engaged for at least five years in teaching :

Provided that no person shall be qualified to vote in more than one electorate under any of the three last preceding clauses.

(5) Ten persons to be nominated by the Chancellor.

(6) Thirty-three persons to be elected by the Court, namely :—

(i) nine persons to represent Islamia Colleges and other Muslim educational institutions not under the control of the University;

(ii) fifteen persons engaged in the learned professions; and

(iii) nine persons learned in the Muslim religion and Oriental studies; and

(7) Fifteen persons to be elected by the Academic Council from among its own members.

9. (1) The members provided for in Classes I, II, III and clause (1) of Class IV shall be the members of the First Court. The First Court.

(2) At the first meeting of the Court, which shall be held as soon as may be after the commencement of this Act, the thirty-three persons specified in clause (6) of class IV shall be elected.

(3) The Academic Council shall elect its representatives at its first meeting.

(4) Any member of the Court may be removed by a resolution, passed by a majority consisting of not less than two-thirds of the members of the Court to the effect that—

(i) he has become incapable of performing his duties, or

(ii) he has acted against the interests of the University, or

(iii) he has been convicted by a Court of law of what, in the opinion of the Court, is a serious offence.

10. (1) Every Foundation Member of the Court shall, unless his office is previously vacated, hold office for five years from the commencement of this Act. Retirement of Foundation Members.

(2) At the end of the fifth, sixth, seventh and eighth years after the commencement of this Act, as nearly as may be, one-fifth in number of

(The Schedule.—First Statutes of the University.)

the total number of the Foundation Members remaining at the end of the fifth year, shall in each of these years resign, and at the end of the ninth year all the Foundation Members then remaining shall resign.

(3) The order in which the Foundation Members shall resign shall be the reverse order to which their names appear in the Annexure to this Schedule.

(4) A Foundation Member who is required to retire under the provisions of this clause shall be eligible for election as an Ordinary Member in a vacancy occurring after his retirement.

Election of
ordinary
members.

11. (1) After the fifth and subsequent annual meetings up to the ninth, there shall be annually appointed in accordance with the provisions of clauses (2) to (5) of Class IV the following number of Ordinary Members, namely :—

In clause (2)	. . . . .	12
In clause (3)	. . . . .	8
In clause (4)	. . . . .	4
In clause (5)	. . . . .	2

(2) When an electoral body entitled to elect a member or members fails to do so within the time prescribed, the Court may elect any qualified person or persons of the class from which such electoral body was entitled to elect to be an Ordinary Member.

General
provisions as
to Members
of the Court.

12. (1) All Ordinary Members shall hold office for five years from the date of their election.

(2) Any casual vacancies among the nominated or elected members shall be filled, as soon as conveniently may be, by the person or body who nominated or elected the member whose place has become vacant, and the person nominated or elected to such vacancy shall be a member for the residue of the term for which the person in whose place he is nominated or elected was a member.

(3) The Executive Council may, subject to the provisions of these Statutes, make rules prescribing the qualifications of the electors, the mode of election and other conditions to which the electors and the elected members shall be subject.

Meetings of
the Court,

13. (1) The Court shall, on a date to be fixed by the Vice-Chancellor, meet once a year at a meeting to be called the annual meeting of the Court.

(The Schedule.—First Statutes of the University.)

(2) The Vice-Chancellor may, whenever he thinks fit, and shall upon requisition in writing signed by not less than thirty members of the Court, convene a special meeting of the Court.

(3) Twenty-five members shall form a quorum.

14. (1) The Court may, by resolutions passed by a majority of not less than two-thirds of the members present and voting,—

Powers in respect to granting and withdrawing degrees.

(a) on the recommendation of the Academic Council through the Executive Council, make proposals to the Chancellor for the conferment of honorary degrees,

(b) on the recommendation of the Executive Council, withdraw any ordinary degree or diploma conferred by the University; and

(c) with the sanction of the Chancellor, withdraw any honorary degree

(2) In cases of urgency the Chancellor may, on the recommendation of the Executive Council alone, confer an honorary degree

15. (1) The Executive Council shall consist of not more than thirty members, The Executive Council

(2) The Vice-Chancellor, the Pro-Vice-Chancellor, the Principal of an Intermediate College maintained by the University, who shall be selected by the Vice-Chancellor and the Treasurer, shall be *ex-officio* members of the Executive Council. —

(3) Six other members shall be elected by the Academic Council and twenty shall be elected by the Court, of whom not less than seven shall be residents of places outside the United Provinces of Agra and Oudh.

(4) Elected members shall hold office for three years, provided that at the second annual meeting of the Court and at the third annual meeting of the Court six of the first members elected by it shall retire by ballot.

(5) Eleven members of the Council shall form a quorum.

(6) The Executive Council may make rules prescribing the mode of election and the conditions to which the elected members shall be subject.

(The Schedule.—First Statutes of the University.)

owers
f the
xecutive
ouncil.

16. (1) The Executive Council shall, subject to the control of the Court and to the Act, the Statutes and the Ordinances, administer the revenue and property of the University, regulate the finances, accounts and investments and perform all such duties and such acts as may be necessary for the business of the University.

(2) (a) In particular the Executive Council shall have power to make and vary investments, purchase, accept and sell moveable or immoveable property, enter into and carry out or cancel contracts and appoint persons to execute and register the same;

(b) It shall maintain the buildings, premises, furniture and apparatus needed for the work of the University;

(c) It shall grant leave to officers, teachers and servants in accordance with the Ordinances and Regulations and, subject to the provisions of section 36 of the Act, deal with any grievances of any such officers, teachers or servants;

(d) It shall maintain a register of donors of the University;

(e) It shall maintain the University press;

(f) It shall on the recommendation of the Academic Council prescribe the fees and charges payable by students;

(g) It shall fix the fees and allowances of examiners, moderators and other persons engaged in the University examinations; and

(h) It shall be the managing body of any Intermediate college or school maintained by the University, and shall supervise any Intermediate colleges and schools admitted to privileges by the University.

The Academic Council.

17. (1) The Academic Council shall consist of the following persons, namely :—

(i) The Vice-Chancellor and Pro-Vice-Chancellor;

(ii) The Chairman of the Departments of Studies;

(iii) The Librarian and the Proctor;

(iv) Two persons elected by the Court;

(v) Two persons nominated by the Visiting Board; and

(vi) Five persons co-opted by the other members of the Council, two of whom at least shall be Heads of Halls, two Professors

(The Schedule—First Statutes of the University)

or Readers, and one a person not engaged in teaching in the University

(2) Eleven members of the Academic Council shall form a quorum

(3) Members other than *ex officio* members shall hold office for three years

18 (1) The Academic Council shall—

(i) arrange and supervise the work of education in the University,

Powers
of the
Academic
Council

(ii) recommend to the Executive Council the creation and abolition of posts in the educational and tutorial staff,

(iii) subject to conditions imposed by any trust, fix the time, mode and terms of competition for Fellowships, Scholarships, Studentships, Medals and Prizes and award the same,

(iv) conduct the examinations and publish the results thereof in the University Gazette

(v) have entire charge of the discipline of the students in the University,

(vi) publish and revise lists of prescribed and recommended books, if any, and prescribe syllabuses in consultation with the Departments of Studies

(vii) appoint a library committee with such powers as may be prescribed in the Ordinances and

(viii) publish the University Gazette

(2) All decisions of the Academic Council as regards matters of discipline of students, syllabuses of studies and the conduct of examinations shall be final, with the exception of those which relate to the Departments of Theology whose proceedings shall be subject to the approval of the Executive Council

19 (1) There shall be Departments of Studies in the following branches of knowledge, namely —

Departments
of Studies

(i) English language and literature,

(ii) History and Political Science,

(iii) Economics,

(The Schedule.—First Statutes of the University.)

- (iv) Philosophy and Psychology,
- (v) Physics,
- (vi) Chemistry,
- (vii) Mathematics and Astronomy,
- (viii) Geography,
- (ix) Sunni Theology,
- (x) Shia Theology,
- (xi) Islamic Studies,
- (xii) Arabic language and literature,
- (xiii) Persian,
- (xiv) Urdu,
- (xv) Law.

(2) As soon as circumstances permit, there shall also be Departments of Studies in the following branches of knowledge, namely:—

- (i) Education,
- (ii) Botany,
- (iii) Zoology,
- (iv) Agriculture,
- (v) Medicine,
- (vi) Commerce,
- (vii) Technology, and
- (viii) such other departments as the Court, on the recommendation of the Academic Council made through the Executive Council, may institute.

(3) Each Department of Studies shall—

- (a) consist of the teachers in the subject with which the Department is concerned: provided that the Pro-Vice-Chancellor shall be an *ex-officio* member of each Department;
- (b) have power to co-opt specialists not exceeding two in number, except in the case of the Department of Law, which shall co-opt four members, two of whom shall be Judges of a High Court;

(The Schedule.—First Statutes of the University.)

- (c) elect from among the Professors and Readers of the department its own Chairman who shall hold office for three years, but must resign if at any time he ceases to be a Professor or Reader;
 - (d) recommend to the Academic Council courses and syllabuses of studies and text-books for its subjects; and
 - (e) make recommendations to the Academic Council in respect of Fellowships, Scholarships and Studentships, Medals and Prizes in the subject with which it is concerned.
- (4) The Academic Council may assign teachers of cognate subjects to a Department of Study.

20. Subject to the general control of the Court, all appointments on the teaching staff shall be made by the Executive Council from a list of persons recommended as suitable therefor by a Committee of Appointment consisting of the Pro-Vice-Chancellor, the Chairman of the Department of Studies concerned and three other persons appointed by the Academic Council. Other appointments, unless otherwise provided for, shall be made by the Executive Council.

21. The register of registered graduates shall, subject to conditions prescribed by the Ordinances, contain the names of—

- (1) the graduates of the University; and
 - (2) graduates of other Universities who have been educated for at least two years at the Muhammadan Anglo-Oriental College, Aligarh,
- separately entered therein.

22. Convocations of the University for the conferring of degrees or for other purposes shall be held in such manner as may be prescribed by the Ordinances.

23. Any authority of the University may appoint such and so many Committees standing or special committees as to it may seem fit, and may appoint to them persons who are not members of such authority. Such committees may deal with any subject delegated to them, subject to subsequent confirmation by the authority appointing them.

(The Schedule—First Statutes of the University.)

(The Annexure.—Foundation Members of the First Court.)

Acting President of meetings.

24. Where no provision is made for a president or chairman to preside over a meeting, authority or committee or when the president or chairman so provided for is absent, the members present shall elect one of their number to preside at the meeting.

Resignations.

25. Any member of the Court, the Executive Council, the Academic Council or any other University authority or committee may resign by letter addressed to the Vice-Chancellor.

Re-election.

26. Every officer of the University and every member of any authority whose term of office or membership has expired shall be eligible for re-appointment or re-election, as the case may be.

THE ANNEXURE.

(See section 8 of the First Statutes.)

FOUNDATION MEMBERS OF THE FIRST COURT.

1. The Hon'ble Nawab Mumtaz-ud-daula Sir Muhammad Faiyaz Ali Khan, K.C.I.E., K.C.V.O., C.S.I., C.B.E., of Pahasu, Bulandshahr.
2. Saiyid Muhammad Mir, Esq., Pleader, Delhi.
3. The Hon'ble Nawab Muhammad Muzammil-ullah Khan, Khan Bahadur, O.B.E., of Bhikampur, Aligarh.
4. The Hon'ble Nawab Muhammad Abdul Majid, C.I.E., Barrister-at-Law, Allahabad.
5. The Hon'ble Saiyid Mahomed Ali, Retired District and Sessions Judge, Aligarh.
6. Shams-ul-ulama Saiyid Amjad Ali, M.A., Sadiqpur, Patna.
7. Nawab Imadul-Mulk Bahadur, Saiyid Hussain Bilgrami, B.A., C.S.I., Retired Director of Public Instruction, His Exalted Highness the Nizam's Government, Hyderabad State.
8. Maulvi Nizam-ud-din Hasan, B.A., B.L., Advocate, Lucknow.
9. Haji Muhammad Moosa Khan, Dataoli, Aligarh.

(The Annexure.—Foundation Members of the First Court.)

10. Sahibzada Aftab Ahmad Khan, Barrister-at-Law, India Office, London.
11. Muhammad Alaul Hasan, Esq., B.A., Deputy Collector, Bijnor.
12. Khwaja Sajjad Husain, Esq., B.A., Panipat, Karnal.
13. Nawabzada Saiyid Ashraf-ud-din Ahmad, Khan Bahadur, Barli, Patna.
14. Sahibzada Sultan Ahmad Khan, M.A., LL.M., Barrister-at-Law, Appeals Member, Gwalior State.
15. The Hon'ble Khwaja Yusuf Shah, Khan Bahadur, C.I.E., Amritsar.
16. Nasrullah Khan, Esq., Barrister-at-Law, Surat.
17. Saiyid Zain-ud-din, Khan Bahadur, M.A., Officiating Collector, Mainpuri.
18. Khan Muhammad Aslam Hayat Khan, Esq., Extra Assistant Commissioner, Punjab.
19. Munshi Niaz Muhammad Khan, B.A., Pleader, Jullundur.
20. Maulvi Nazir Ahmad, B.A., LL.B., Jammu.
21. The Hon'ble Mr. Justice Muhammad Rafiq, Barrister-at-Law, High Court, Allahabad.
22. Maulvi Muhammad Badrul Hasan, LL.B., Retired Sub-Judge, Aligarhi.
23. Maulvi Muhammad Habibur-Rahaman Khan Sharwani, Hyderabad State.
24. Nawab Fateh Ali Khan Qizilbash, Khan Bahadur, C.I.E., Lahore.
25. Saiyid Ahmad Ali, Esq., M.A., Kamthana, Ujjain.
26. Saiyid Muhammad Baqar Rizvi, Rampur State.
27. Muhammad Abdus Salam Khan, Esq., Rampur State.
28. Hakim Hafiz Muhammad Ajmal Khan, Delhi.
29. Qazi Aziz-ud-din Ahmad, Khan Bahadur, O.B.E., I.S.O., Judicial Secretary, Dholpore State.
30. Shaikh Abdul Qadir, Khan Bahadur, B.A., Barrister-at-Law, Lyallpur.

(The Annexure.—Foundation Members of the First Court.)

31. Shaikh Abdullah, Esq., B.A., LL.B., Vakil, Aligarh.
32. The Hon'ble Raja Sir Muhammad Tassaduq Rasul Khan, K.C.S.I., of Jahangirabad, Bara-Banki.
33. The Hon'ble Raja Sir Muhammad Ali Muhammad, Khan Bahadur, K.C.I.E., of Mahmudabad, Lucknow.
34. Mirza Shujaat Ali Beg, Khan Bahadur, Calcutta.
35. Ghulam Muhammad Munshi, Esq., Barrister-at-Law, Rajkote.
36. Shaikh Wahid-ud-din, Khan Bahadur, Meerut.
37. Maulvi Abdulla Jan, Ludhiana.
38. The Hon'ble Mian Muhammad Shafi, Khan Bahadur, C.I.E., Member of the Governor General's Executive Council, Simla.
39. Saiyid Tufail Ahmad, Sub-Registrar, Aligarh.
40. Saiyid Nabi-ullah, Esq., Barrister-at-Law, Lucknow.
41. Saiyid Jafar Husain, Khan Bahadur, Lucknow.
42. Nawab Bahadur, Nawab Muhammad Abdus Samad, Khan Bahadur, of Talibnagar and Chhitari, Aligarh.
43. Maulvi Sir Rahim Bakhsh, K.C.I.E., President, Council of Regency, Bahawalpur State.
44. The Hon'ble Nawab Saiyid Nawab Ali Chaudhri, Khan Bahadur, C.I.E., Calcutta.
45. Muhammad Akbar Nazar Ali Hydari, Esq., B.A., Secretary to H. E. H. the Nizam's Government in the Judicial, Police and General Departments, Hyderabad State.
46. The Hon'ble Mr. Justice Saiyid Muhammad Abdul Raoof, Khan Bahadur, Barrister-at-Law, High Court, Lahore.
47. Razzaq Bakhsh Qadri, Esq., Barrister-at-Law, Aligarh.
48. Shaikh Ghulam Sadik, Khan Bahadur, Amritsar.
49. Yaqub Hasan, Esq., Madras.
50. Maulvi Naseer Husain Khan "Khayal," Calcutta.
51. Malik Badr-ud-din Ghulam Husain, Khan Bahadur, Nagpur.
52. Saiyid Muhammad Sharf-ud-din, Esq., Barrister-at-Law, Patna.

(The Annexure —Foundation Members of the First Court.)

- 53 Sayyid Ali Hasan Khan, Lucknow.
- 54 The Hon'ble Sir Abdul Karim Abdul Shakur Jamal, Kt, C.I.E., Merchant, Burma
- 55 Mirza Muhammad Habib-ullah Khan, B.A., Deputy Collector, Aligarh.
56. Munshi Sarfaraz Khan, Sub-Registrar, Muzaffarnagar.
57. Major Nawabzada Hazi Hafiz Muhammad Obeidulla Khan, C.S.I., Commander-in-Chief, Bhopal State Forces, and Honorary A.-D.-C. to H. E. the Viceroy.
58. The Hon'ble Sir Fazulbhoy Currimbhoy Ebrahim, Kt, C.B.E., Bombay
- 59 Nawab Muhammad Ahmad Suid Khan, M.B.E., of Chhutari, Bulandshahr
- 60 Amir Mustafa Khan, Esq., Aligarh
- 61 The Hon'ble Sir Ibrahim Rahimtoola, Kt, C.I.E., Member of the Governor's Executive Council, Bombay.
- 62 Sayyid Hasan Imam, Esq., Barrister-at-Law, Patna
- 63 Nawab Sarbuland Jang Bahadur Muhammad Hameed-ullah Khan, Barrister-at-Law (Retired Chief Justice, Hyderabad State), Allahabad
- 64 Ghulam Ahmad Khan Kalam, Esq., Coromandel, Kohlr Gold Fields
- 65 Munshi Muhammad Isai Husein Khan, Khan Bahadur, C.I.E., Judicial Member, Bhopal State
- 66 Honorary Captain Nawab Malik Muhammad Mubarriz Khan Tiwana, C.B.E., of Shahpur.
67. Abdul Majid Khwaja, Esq., Barrister-at-Law, Patna
68. Kasim Ali Jirybhai, Esq., Poona.
- 69 Haji Muhammad Swaleh Khan of Bhikampur, Aligarh.
70. Sayyid Ross Masood, Esq., B.A., Director of Public Instruction, Hyderabad State.
71. Ibtisam Ahmad, Esq., Barrister-at-Law, Allahabad.
72. Mirza Mohammad Ibrahim, Wazir, Khairpur State.

(The Annexure.—Foundation Members of the First Court.)

73. Maulvi Siraj Ahmad, M.A., Extra Assistant Commissioner, Saugor.
74. The Hon'ble Justice Sir Abd-ur-rahim, Kt., M.A., Barrister-at-Law, High Court, Madras.
75. Saiyid Wazir Hasan, B.A., LL.B., Officiating Additional Judicial Commissioner, Lucknow.
76. Shaukat Ali, Esq., Rampur State.
77. Maulvi Muhammad Yakoob, Pleader, Moradabad.
78. Ashanul Haq, Esq., Barrister-at-Law, Sialkot.
79. The Hon'ble Nawab Justice Sir Saiyid Shamsul Huda, K.C.I.E., High Court, Calcutta.
80. Mukhtar Ahmad Ansari, Esq., M.D., M.S., M.R.C.S., Delhi.
81. Muhammad Ali Jinnah, Esq., Barrister-at-Law, Bombay.
82. Mazhar-ul-Huq, Esq., Barrister-at-Law, Patna.
83. Maulvi Muhammad Bashir-ud-din, Khan Bahadur, Etawah.
84. The Hon'ble Saiyid Riza Ali, B.A., LL.B., Allahabad.
85. Nazir-ud-din Hasan, Esq., M.A., LL.D., Sessions Judge, Aurangabad, Hyderabad State.
86. Munshi Nisar Husain, Deputy Magistrate, Irrigation Department, Aligarh.
87. Shaikh Muhammad Wajih, Deputy Collector, Bulandshahr.
88. Zahoor Ahmad, Esq., Barrister-at-Law, Allahabad.
89. Raja Saiyid Abu Jafar, C.I.E., of Pirpur, Fyzabad.
90. Sir Saiyid Ali Imam, K.C.S.I., Hyderabad State.
91. The Hon'ble Khan Sir Zulfikar Ali Khan, Kt., C.S.I., of Maler Kotla, Lahore.
92. Dr. Said-uz-Zafar Khan, M.B., Ch.B., D.T.M., Professor, King George's Medical College, Lucknow.
93. Munshi Muhammad Akram Khan, B.A., Deputy Superintendent of Police, Gorakhpur.
94. Maulvi Abdul Ahad, Khan Bahadur, Delhi.
95. Hafiz Muhammad Haleem, Khan Bahadur, Cawnpore.

(The Annexure —Foundation Members of the First Court)

- 96 Shah Munir Alam, B.A , LL B , Sub-Judge, Gorakhpur.
- 97 Mumtaz Husain, Esq., Barrister at-Law, Lucknow
- 98 Shamshad Ahmad Khan, Esq , Barrister at-Law, Aligarh
- 99 Shauki Muhammad Musanna, Khan Sahib B A , Deputy Collector, Benares
- 100 Qazi Makhdum Husam, Retired Deputy Collector, Saharanpur,
- 101 Muhammad Ismail Khan, Esq , Barrister at-Law, Meerut
- 102, The Hon'ble Sayid Ali-Nabi, Khan Bahadur, B A , LL B ,
Agra
- 103 Tassaduq Ahmad Khan Sharwani, Esq , Barrister at-Law,
Aligarh
- 104 Abul Hasan, Esq , B A , Inspector of Schools, Jhansi
- 105 Nawabzada Haji Muhammad Hamidullah Khan, B A , Chief
Secretary to H H the Ruler of Bhopal
- 106 Munshi Abdul Hamid Khan, Khan Bahadur, Deputy Collector,
Birt Banhi
- 107 Sir Sultazada Nawab Abdul Qayum, Khan Bahadur, K C I E ,
Peshawar
- 108 Nawab Nazir Jang Bahadur Mirza Nazir Beg, Military Secre-
tary, H E H, the Nizam's Government, Hyderabad State
- 109 Maulvi Zafar Umar, B A , Deputy Superintendent of Police,
Agra
- 110 The Hon'ble Mian Fazl-i-Hussan, Khan Bahadur, M A ,
Barrister at-Law, Lahoro
- 111 Sayid Sijjad Haidar, B A , Deputy Collector Sultanpur
- 112 Mirza Zulqadr Jang Bahadur, M A , (Cintib), Barrister at-
Law, Lucknow
- 113 Dr Sayid Mahmud, Barrister at-Law, Patna
- 114 The Hon'ble Maulvi Abul Kasim Fazl ul Haq, M A , B L ,
Vakil, Calcutta
- 115 Maulvi Abdul Haq, B A , Aurangabad,
- 116 Qasim Hussain, Esq , 2nd Tallaqdar, Division Pedar, Hydera-
bad State

Aligarh Muslim University. [1920 : Act XL.
Indian Companies (Amendment). [1920 : Act XLII.

Cutchi Memons. [1920 : Act XLVI.

117. Mauzzam Ali Khan, Esq., Barrister-at-Law, Moradabad.
118. Agha Muhammad Safdar, B.A., LL.B., Vakil, Sialkot.
119. Mian Haq Nawaz, B.A., LL.B., Lahore.
120. Chaudhri Khushi Muhammad Khan, Revenue Member, Kashmere State.
121. Babu Nizam-ud-din, Amritsar.
122. Said Muhammad Khan, Esq., Khurja, Bulandshahr.
123. Munshi Muhammad Wajid Ali Khan, Khan Sahib, Judicial Secretary, Bhopal State.
124. Mahomed Ali, Esq., Rampur State.

ACT No. XLII of 1920.¹

[16th September, 1920.]

An Act further to amend the Indian Companies Act, 1913.

WHEREAS it is expedient further to amend the Indian Companies Act, 1913; It is hereby enacted as follows :—

VII of 1913.

Short title.

1. This Act may be called the Indian Companies (Amendment) Act, 1920.

Amendment
of section
91B of Act
VII of 1913.

2. To section 91B of the Indian Companies Act, 1913, the following sub-section shall be added, namely :—

VII of 1913.

“(3) This section shall not apply to private Company.”

ACT No. XLVI of 1920.²

[17th September, 1920.]

An Act to enable Cutchi Memons to be governed in matters of succession and inheritance by the Muhammadan law.

WHEREAS it is expedient to enable those Cutchi Memons who so desire to be governed in matters of succession and inheritance by the Muhammadan law; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Cutchi Memons Act, 1920.

¹ For Statement of Objects and Reasons, see Gazette of India, 1920, Pt. V, p. 268; and for Proceedings in Council, see *ibid*, 1920, Pt. VI, pp. 1141 and 1270.

² For Statement of Objects and Reasons, see Gazette of India, 1920, Pt. p. 38; for Report of Select Committee, see *ibid*, 1920, Pt. V, p. 275, and for Proceedings in Council, see *ibid*, 1920, Pt. VI, pp. 139, 1117 and 1288.

2. 1[(1)] 2[Any person who satisfies the prescribed authority—

(a) that he is a Cutchi Memon and is the person whom he represents him-elf to be;

Power to make a declaration.

(b) that he is competent to contract within the meaning of section 11 of the Indian Contract Act, 1872; and

(c) that he is resident in British India;]

IX of 1872.

may by declaration in the prescribed form and filed before the prescribed authority declare that he desires to obtain the benefit of this Act, and thereafter the declarant and all his minor children and their descendants shall in matters of succession and inheritance be governed by the Muhammadan law.

3[(2) Where the prescribed authority refuses to accept a declaration under sub-section (1), the person desiring to make the same may appeal to such officer as the Local Government may, by general or special order, appoint in this behalf, and such officer may, if he is satisfied that the appellant is entitled to make the declaration, order the prescribed authority to accept the same.]

3. 4[(1) The Local Government may make rules⁵ to carry into effect the purposes of this Act.

Rule-making power of Local Governments.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

(a) for prescribing the authority before whom and the form in which declarations under this Act shall be made,

(b) for prescribing the fees to be paid for the filing of declarations and for the attendance at private residences of any person in the discharge of his duties under this Act; and for prescribing the times at which such fees shall be payable and the manner in which they shall be levied.]

6[(3)] Rules made under the provisions of this section shall be published in the local official Gazette and shall thereupon have effect as if enacted in this Act.

¹ Section 2 was renumbered as section 2 (1) by s. 2 of the Cutchi Memons (Amendment) Act, 1923 (34 of 1923).

² These words and figures were substituted for the words " Any Cutchi Memon who—
(a) has attained the age of majority, and

(b) is resident in British India," by *ibid.*

³ This subsection was added by s. 2 of the Cutchi Memons (Amendment) Act, 1923 (34 of 1923).

⁴ These subsections were substituted for the original subsection (1) by s. 3 *ibid.*

⁵ For such rules for Madras, see Port St. George Gazette, 1922, Pt. I, p. 123.

For such rules for Bombay, see Bombay Local Rules and Orders, Vol. II, p. 622.

⁶ Subsection (2) was renumbered as subsection (3) by s. 3 of the Cutchi Memons (Amendment) Act, 1923 (34 of 1923).

THE IMPERIAL BANK OF INDIA ACT, 1920.

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ACT No. XLVII of 1920.¹

[19th September, 1920.]

An Act to constitute an Imperial Bank of India and for other purposes.

WHEREAS it is expedient to constitute an Imperial Bank of India and to transfer to the Bank so constituted the undertaking of each of the Presidency Banks and to dissolve those Banks and to make provision for the regulation and management of the Imperial Bank of India; It is hereby enacted as follows —

1. (1) This Act may be called the Imperial Bank of India Act, 1920. Short title and commencement.

(2) It shall come into force on such date² as the Governor General in Council may, by notification in the Gazette of India, appoint.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) "appointed day" means such day as the Governor General in Council may appoint for the commencement of this Act;

(b) "the Bank of Bengal," "the Bank of Madras" and "the Bank of Bombay" mean, respectively, those Banks as constituted by the Presidency Banks Act, 1876;

(c) "dividend" includes bonus;

(d) "general meeting" means the annual meeting of the shareholders of the Bank;

(e) "goods" includes also bullion, wares and merchandise;

(f) "local meeting" means the annual meeting of the shareholders whose names are registered in a branch register;

(g) "meeting" includes an adjourned holding of a meeting;

(h) "prescribed" means prescribed by bye-laws made under this Act;

¹ For Statement of Objects and Reasons see Gazette of India, 1920, Pt. V, p. 74, for Report of Select Committee, see *ibid.*, 1920, Pt. V, p. 154, and for Proceedings of Council, see *ibid.*, 1920, Pt. VI, pp. 31, 73, 103 and 116.

² This Act was brought into force from the 27th January, 1921, see Gen. R. and O., Vol. IV, p. 578.

(Chapter II.—Transfer of the undertakings of Presidency Banks to the Imperial Bank.)

(2) The name of every person who immediately before the appointed day was registered as a holder of stock in any of the Presidency Banks shall be registered in accordance with the provisions of this Act hereinafter appearing as holding one share in the Bank for every Rupees five hundred of stock of which he was the registered holder in such Presidency Bank, and odd amounts of stock not amounting to Rupees five hundred shall be dealt with as hereinafter provided.

(3) The Bank shall issue fractional certificates to the holders of odd half-shares and of odd amounts of stock, not amounting to Rupees five hundred, certifying, as the case may be, that the holder is entitled to one-half of one fully paid share or such fraction of a share as the odd amount of stock is of Rupees five hundred.

(4) Holders of fractional certificates shall, if resident in India, within three months and, in any other case, within six months from the date of the certificate either—

(i) surrender their fractional certificates with other similar fractional certificates representing in all one fully paid share, in which case the surrenderor shall be entitled to be registered as a shareholder and to have a fresh certificate for a fully paid share in the Bank issued to him and be entitled to an allotment of new shares in the same way as if he had been the holder of one fully paid share, or

(ii) at their option surrender the fractional certificates to the Bank, in which case the Bank shall be entitled to sell the shares represented by the fractions so surrendered from time to time in such manner as the Bank deems expedient, and the aggregate net sale proceeds realized by such sale or sales shall be divided proportionately and paid by the Bank to the holders of fractional certificates for whose account the shares may have been so sold.

(5) Every shareholder of the Bank whose name has been registered in accordance with the provisions of this section shall be entitled, in respect of every share of which he is so registered as the holder, to an allotment to himself or to his nominee (provided that such nominee is approved by the Bank) of two shares in the Bank with the sum of Rupees one hundred and twenty-five credited as paid up on payment in

(Chapter II —Transfer of the undertakings of Presidency Banks to the Imperial Bank)

respect of each share in the case of a former shareholder or stockholder of the Bank of Bengal or the Bank of Bombay of Rupees one hundred and twenty-five, and of the Bank of Madras, of Rupees two hundred and twenty-five

(6) The Bank shall cause notice to be published in the Gazette of India and in two daily papers in each Presidency, and shall also send by post to every person whose name immediately before the appointed day was entered in the register of shareholders or stockholders of any of the Presidency Banks, a notice giving particulars of the terms hereinbefore set out as to the allotment of new shares and the surrender of fractional certificates, and as to the manner and form in which application for the allotment of new shares and the surrender of fractional certificates is to be made

(7) If within a period of three months from the date of publication in the Gazette of India of the notice referred to in sub-section (6), any shareholder has not made an application for the allotment of new shares to which he is entitled, the Bank may offer such shares for public subscription and allot them to any person applying therefor

Provided that the Bank in the case of shareholders who are addressed out of British India may, either generally or in any particular instance, fix an extended period for the admission of applications, but in no case shall that period be later than six months from the date of the publication of the notice in the Gazette of India

6. (1) Subject to the provisions of this Act, every officer and ^{existing} servant employed immediately before the appointed day by a Presidency Bank shall from the appointed day become an officer or ^{servant of} servant of the Bank, and shall hold his office or service therein by the same tenure and upon the same terms and conditions and with the same rights and privileges ^{existing} as to pension or gratuity as he would have held the same under the Presidency Bank if this Act had not been passed

(2) Any person who, on the appointed day, has been granted or is in receipt of a pension or other superannuation or compassionate allowance from a Presidency Bank shall be entitled to be paid by, and to receive from, the Bank the same pension or allowance so long as he observes the

(Chapter II.—Transfer of the undertakings of Presidency Banks to the Imperial Bank. Chapter III.—Business of the Bank.)

conditions on which the pension or allowance was granted. Any question whether he has so observed such conditions shall, in case of any difference arising, be determined by the Governor General in Council.

(3) For the directors and officers of the Banks of Bombay and Madras who are at the commencement of this Act the respective trustees of the following Funds, that is to say,—

(a) the Bank of Bombay Officers' Pension and Guarantee Fund, and

(b) the Bank of Madras Pension and Gratuity Fund, and the Bank of Madras Officers' Provident and Mutual Guarantee Fund,

there shall be substituted as trustees of those Funds, respectively, the members for the time being and the corresponding officers of the Local Boards of the Bank at Bombay and Madras; and if any doubt arises as to who are the corresponding officers to the officers who are trustees at the commencement of this Act, the decision of the Central Board shall be final.

Dissolution
of Presi-
dency
Banks.

7. As from the appointed day the Presidency Banks shall be dissolved, and thereafter no person shall make, assert or take any claims, demands or proceedings against any of the said Banks or against a director or officer thereof, in his capacity as such director or officer, except in so far as may be necessary for enforcing the provisions of this Act.

CHAPTER III.

Business of the Bank.

Business
which Bank
may tran-
sact.

8. Subject to the provisions of this Act, the business which the Bank is authorised to carry on and transact shall be the several kinds of business specified in Schedule I, subject to the limitations therein mentioned.

Business of
London
office.

9. Notwithstanding anything contained in Schedule I, the Bank shall not, at its London office, open cash credits or keep cash accounts for or receive deposits from any person who is not, or has not been, within the three years last preceding, a customer of the Bank or of any of the Presidency Banks at any of its or their branches in India or Ceylon.

(Chapter III.—Business of the Bank.)

10. (1) It shall also be lawful for the Bank under any agreement with the Secretary of State for India in Council—

Bank may do Government business.

- (i) to act as banker for, and to pay, receive, collect and remit money, bullion and securities on behalf of the Government;
- (ii) to undertake and transact any other business which the Government may from time to time entrust to the Bank.

(2) Every such agreement shall provide—

- (a) that the Governor General in Council shall have power to issue instructions to the Bank in respect of any matter which, in his opinion, vitally affects his financial policy or the safety of Government balances and that, in the event of the Bank disregarding such instructions, the Governor General in Council may declare such agreement to be terminated; and
- (b) that within five years from the commencement of this Act, the Bank shall establish and maintain not less than one hundred new branches, of which at least one-fourth shall be established at such places as the Governor General in Council may direct.

11. For the purpose of providing buildings and places in and at which to carry on and manage the business of the Bank, and proper residences for its officers and servants, the Bank may—

Acquisition of business premises.

- (a) acquire any interest in immoveable property, and
- (b) sell, buy, re-sell, exchange, let, furnish, repair, insure against fire and other risks or deal with all or any part of the same as it may consider most conducive to the interests of the Bank.

12. Subject to the provisions of this Act, the Bank may—

- (a) maintain, as branches or agencies of the Bank, any branches or agencies of the Presidency Banks which were in existence immediately before the appointed day, and may establish branches or agencies at such places as it deems advantageous for the interests of the Bank, and

Establishment of branches and agencies.

- (b) discontinue any branch or agency maintained or established under this section.

(Chapter III.—Business of the Bank. Chapter IV.—Shares.)

Power of Bank to take over business of certain other Banks and for that purpose to increase its capital.

13. (1) With the sanction of the Governor General in Council, the Bank may enter into negotiations for and purchase and take over the business, including the capital, assets and liabilities, of any banking company carrying on business in India of which the capital is divided into shares, and may pay the consideration for such purchase either in cash or by the allotment of shares in the capital of the Bank, or partly in one and partly in the other of these ways, and may (subject to the provisions of this Act relating to the increase of capital) for the purpose of any such allotment of shares, increase the capital of the Bank by the issue of such number of shares as may be determined on by the Bank.

(2) Any business so purchased shall after the purchase be carried on by the Bank subject to the provisions of this Act.

Explanation.—For the purposes of this section “banking company” means any company formed for the purpose of carrying on the business of banking and registered under the Indian Companies Act, 1913, or the VII of 11 law relating to companies for the time being in force in British India.

Power of Bank to grant loans to certain other Banks.

¹[13A. Notwithstanding anything contained in Schedule I, the Bank may, either alone or conjointly with other persons, for the purpose of averting the winding up of any company as defined in section 13 having a share capital which is expressed in rupees in its memorandum of association or of any society registered under the Co-operative Societies Act, II of 1912, or, where any such company or society is being wound up, of facilitating the winding up, advance or lend money to, or open a cash-credit in favour of, such company or society or the liquidators thereof, as the case may be, for any period upon the security of all or any of the assets whatsoever of such company or society.]

CHAPTER IV. Shares.

Nature of shares.

14. (1) The shares of the Bank shall be moveable property.

(2) Each share in the Bank shall be distinguished by its appropriate number.

Certificate of share.

15. A certificate under the common or official seal of the Bank specifying the shares held by any shareholder shall be *prima facie* evidence of the title of the shareholder to the shares therein specified.

¹ This section was inserted by s. 2 of the Imperial Bank of India (Amendment) Act, 1924 (17 of 1924).

(Chapter IV —Shares.)

16. The Bank shall keep in one or more books a register of its shareholders (in this Act referred to as the principal register), and shall enter therein the following particulars so far as they may be available — Principal register of shareholders.

- (i) the names and addresses and occupations, if any, of the shareholders and a statement of the shares held by each shareholder, distinguishing each share by its number, and of the amount paid on the shares of each shareholder;
- (ii) the date on which each person is so entered as a shareholder; and
- (iii) the date on which any person ceases to be a shareholder

17. (1) The Bank shall cause to be kept at the local head offices of the Bank in Calcutta, Madras and Bombay branch registers which shall be deemed to be part of the principal register, and may do so at any other local head office which may hereafter be established under this Act Branch registers.

(2) There shall be entered in the branch register to be kept in Calcutta the name of every person who having been registered as a shareholder or stockholder in the Bank of Bengal is entitled under the provisions of section 5 to be registered as a shareholder in the Bank, with the same particulars appended thereto as are required in the case of the principal register, and the same provision shall apply *mutatis mutandis* to the branch registers to be kept in Madras and Bombay

(3) Any shareholder may apply to the Bank to have his name transferred from one branch register to another in respect of either the whole or any part of the shares standing in his name, and the Bank shall, subject to such conditions as may be prescribed, cause the registers to be amended accordingly

(4) Subject to the provisions of sub-section (3) no transaction with respect to any share registered in one branch register shall be registered in any other branch register

18. No notice of any trust, express, implied or constructive, shall be entered on the principal or any branch register or be receivable by the Bank Trusts not to be entered on the register.

wer to
close regis-
ter.

19. The Bank may close the principal register or any branch register for any time or times, not exceeding in the whole thirty days in each year.

Inspection
of register of
shareholders.

20. (1) The principal register of shareholders shall be kept at such places as the Bank, by notification in the Gazette of India, may appoint and, except when closed under the provisions of this Act, that register or any branch register shall during business hours (subject to such reasonable restrictions as the Bank may impose, so that not less than two hours in each day be allowed for inspection) be open to the inspection of any shareholder gratis.

(2) Any shareholder may require a copy of any such register, or of any part thereof, on prepayment therefor at the rate of six annas for every hundred words or fractional part thereof required to be copied.

Contracts.

Form of
contracts.

21. (1) Contracts on behalf of the Bank may be made as follows:—

(i) any contract which, if made between private persons, would be by law required to be in writing, signed by the parties to be charged therewith, may be made on behalf of the Bank in writing signed by any person acting under its authority, express or implied, and may in the same manner be varied or discharged;

(ii) any contract which, if made between private persons, would by law be valid although made by parol only and not reduced to writing, may be made by parol on behalf of the Bank by any person acting under its authority, express or implied, and may in the same manner be varied or discharged.

(2) All contracts made according to the provisions of this section shall be effectual in law, and shall bind the Bank and all other parties thereto and their legal representatives.

Regulations of Bank.

Regulations
of the Bank.

22. The provisions contained in Schedule II shall be the regulations of the Bank in regard to the matters to which they relate.

(Chapter V.—Management.)

CHAPTER V.

Management.

23. The Bank shall have local head offices in Calcutta, Madras and Bombay, and at such other places in British India as the Bank, with the previous sanction of the Governor General in Council, may determine. The Bank may also, subject to the provisions of this Act as to the business to be transacted there, establish an office in London Offices of the Bank.

24. The general superintendence of the affairs and business of the Bank shall be entrusted to a Central Board of Governors (hereinafter in this Act referred to as the "Central Board"), who may exercise all powers and do all such acts and things as may be exercised or done by the Bank and are not by this Act expressly directed or required to be done by the Bank in general meeting Central Board.

25. Local Boards shall be established at Calcutta, Madras and Bombay, and may be established at such other places in British India as the Central Board, with the previous sanction of the Governor General in Council, may determine Local Boards.

26. Without prejudice to the powers conferred by section 21, the Local Boards, established at Calcutta, Madras and Bombay shall have power generally to transact all the usual business of the Bank, and shall have power as regards entries in the branch registers, respectively kept at those places, to examine and pass or refuse to pass transfers and transmissions and to approve or refuse to approve transferees of shares and to give certificates of shares Powers of Local Boards.

** Local Boards at Calcutta, Madras and Bombay*

27. The several persons who were, immediately before the appointed day, respectively the directors of the Presidency Banks shall constitute the first Local Boards of the Bank at Calcutta, Madras and Bombay, respectively, and the persons who were then president, vice-president and secretary, respectively, of the said Banks shall fill the same offices in the respective Local Boards until they vacate office in accordance with the provisions of this Act Constitution of first Local Boards.

(Chapter V.—Management.)

Central Board.

Constitution
and meetings
of Central
Board.

28. (1) The Central Board shall consist of the following Governors, namely :—

- (i) the presidents and vice-presidents of the Local Boards established by this Act;
- (ii) the Controller of the Currency for the time being or such other officer of Government as may be nominated by the Governor General in Council to be a Governor;
- (iii) such number of persons not exceeding four and not being officers of Government as may be nominated¹ by the Governor General in Council. Such persons shall hold office for one year but may be re-nominated;
- (iv) the secretaries of the Local Boards established by this Act;
- (v) such number of Managing Governors not exceeding two as may be appointed by the Governor General in Council after consideration of the recommendations of the Central Board. Such Governors shall hold office for such period as the Governor General in Council may direct; and
- (vi) if any Local Board is hereafter established under this Act, such number of persons to represent it as the Central Board may prescribe.

(2) The Governors specified in clauses (ii) and (iv) and any Governors appointed under clause (vi) of sub-section (1) shall be at liberty to attend all meetings of the Central Board and to take part in its deliberations, but shall not be entitled to vote on any question arising at any meeting.

Constitution
of other
Local
Boards.

29. (1) Where the Central Board establishes any additional local head office of the Bank in British India, a Local Board shall be constituted to manage the local business of the Bank.

(2) The number of the members of any such Local Board shall be such number, not less than three, as may be prescribed and shall be appointed in such manner as may be prescribed.

Power to
remove diffi-
culties.

30. (1) If any difficulty arises with respect to the establishment of the Central Board or of a Local Board, or with respect to the

¹ For notification making such nominations and appointments under this section, see Gen. R. and O., Vol. IV, pp. 578 and 579.

(Chapter V.—Management. Chapter VI.—Miscellaneous.)

appointment of the first Governors or members or to the first meeting of the Central Board or of a Local Board, the Governor General in Council may by order make any appointment or do anything which appears to him necessary or expedient for the proper establishment of the Board and for the appointment of the first Governors and members and for the first meeting thereof.

(2) Any such order may modify the provisions of this Act so far as may appear to the Governor General in Council to be necessary or expedient for carrying the order into effect.

CHAPTER VI..

Miscellaneous.

31. (1) The Central Board shall, with the previous approval of the Governor General in Council, make bye-laws consistent with this Act regulating the following matters, namely:—

Power of
Central
Board to
make bye-
laws.

- (a) the maximum amounts which may be advanced or lent to, or for which bills may be discounted for, any individual or partnership, without the security mentioned in sub-clauses (i) to (iv) of clause (a) of Part I of Schedule I, the conditions under which advances may be made on the said security and the extent of the sums to which accounts may be overdrawn without security;
- (b) the conditions subject to which alone advances may be made to Governors, members of Local Boards, or officers of the Bank, or the relatives of such Governors, members or officers, or to companies, firms or individuals with which or with whom such Governors, members, officers or relatives are connected as partners, directors, managers, servants, shareholders or otherwise;

Provided that the bye-laws shall provide that no advance without security shall be made to any officer of the Bank without the specific sanction of the Local Board under which he is serving;

¹ For notification constituting the first Central Board, see Gen. II. and O. Vol. IV, p. 579. Also see footnote to s. 23, *supra*.

(Chapter VI.—Miscellaneous.)

(c) the particulars to be contained in the half-yearly balance-sheet; and

(d) any matter which by this Act is directed to be prescribed.

(2) The Central Board may, with the previous approval of the Governor General in Council, make bye-laws consistent with this Act regulating the following matters or any of them, namely :—

(a) the keeping of the register and branch registers of shareholders;

(b) the distribution of business amongst the Governors and their remuneration, if any;

(c) the distribution of business amongst the members of a Local Board and their remuneration, if any;

(d) the delegation of any powers of the Central Board or of a Local Board to committees consisting of Governors or members, as the case may be;

(e) the procedure to be followed at the meetings of the Central or Local Boards or of any committees thereof;

(f) the first appointment and the appointment of members of a Local Board established under this Act;

(g) the powers of Local Boards established by or under this Act;

(h) the localities in and with respect to which such Local Boards shall exercise their powers;

(i) the books and accounts to be kept at the local head offices of the Bank;

(j) the renewal of certificates of shares which have been worn out or lost;

(k) the conduct and defence of legal proceedings and the manner of signing pleadings;

(l) the constitution and management of pension and provident funds for the officers and servants of the Bank;

(m) all matters which are by this Act permitted to be prescribed; and

(n) generally, the conduct of the business of the Bank.

(Chapter VI.—Miscellaneous. Schedule I—Part I.—Business which the Bank is authorised to carry on and transact.)

32. (1) The references in sections 188, 189 and 289 of the Indian Companies Act, 1913, and references in any other enactment to the Presidency Banks or any of them shall be deemed to be references to the Bank.

(2) Where by any instrument power is given to invest in, to hold or to exercise any rights in regard to shares or stock in a Presidency Bank, then that power may be exercised as if the same power were given by such instrument in regard to shares in the Bank.

(3) A power of attorney in favour of a Presidency Bank or in favour of a Presidency Bank and its officers shall be deemed, as the case may be, to be a power of attorney in favour of the Bank or of the Bank and its officers.

33. In section 11, sub-section (3) of the Indian Companies Act, 1913 after the word "Royal" the words "Bank of Bengal," "Bank of Madras," "Bank of Bombay" shall be inserted.

Amendment of section 1 (3), Act VII of 1913.

34. [Repeats.] Repealed by the Repealing Act, 1927 (12 of 1927).

SCHEDULE I.

(See section 8.)

PART I.

Business which the Bank is authorised to carry on and transact.

The Bank is authorised to carry on and transact the several kinds of business hereinafter specified, namely:—

(a) the advancing and lending money, and opening cash-credits upon the security of—

(i) stocks, funds and securities (other than immoveable property) in which a trustee is authorised to invest trust money by any Act of Parliament or by any Act of the Governor General in Council and any securities of a Local Government or the Government of Ceylon;

(Schedule I—Part I.—Business which the Bank is authorised to carry on and transact.)

- (ii) such securities issued by State-aided railways as have been notified by the Governor General in Council under section 36 of the Presidency Banks Act, 1876, or may be notified XI of 1876 by him under this Act in that behalf;
- (iii) debentures or other securities for money issued under the authority of any Act of a legislature established in British India by, or on behalf of, a district board;
- (iv) goods which, or the documents of title to which, are deposited with, or assigned to, the Bank as security for such advances, loans or credits;
- (v) accepted bills of exchange and promissory notes endorsed by the payees and joint and several promissory notes of two or more persons or firms unconnected with each other in general partnership; and
- (vi) fully paid shares and debentures of companies with limited liability, or immoveable property or documents of title relating thereto as collateral security only where the original security is one of those specified in sub-clauses (i) to (iv), and if so authorised by any general or special directions of the Central Board, where the original security is of the kind specified in sub-clause (v) :

Provided that such advances and loans may be made, if the Central Board thinks fit, to the Secretary of State for India in Council, without any specific security;

- (b) the selling and realisation of the proceeds of sale of any such promissory notes, debentures, stock-receipts, bonds, annuities, stock, shares, securities or goods which, or the documents of title to which, have been deposited with, or assigned to, the Bank as security for such advances, loans or credits, or which are held by the Bank or over which the Bank is entitled to any lien or charge in respect of any such loan or advance or credit or any debt or claim of the Bank, and which have not been redeemed in due time in accordance with the terms and conditions (if any) of such deposit or assignment;

(Schedule I—Part I—*Business which the Bank is authorised to carry on and transact.*)

- (c) the advancing and lending money to Courts of Wards upon the security of estates in their charge or under their superintendence and the realisation of such advances or loans and any interest due thereon, provided that no such advance or loan shall be made without the previous sanction of the Local Government concerned, and that the period for which any such advance or loan is made shall not exceed six months;
- (d) the drawing, accepting, discounting, buying and selling of bills of exchange and other negotiable securities payable in India, or in Ceylon, and, subject to the general or special directions of the Governor General in Council, the discounting, buying and selling of bills of exchange, payable outside India, for and from or to such Banks as the Governor General in Council may approve in that behalf,
- (e) the investing of the funds of the Bank upon any of the securities specified in sub-clauses (i) to (iii) of clause (d) and converting the same into money when required, and altering, converting and transposing such investments for or into others of the investments above specified,
- (f) the making, issuing and circulating of bank post-bills and letters of credit made payable in India, or in Ceylon, to order or otherwise than to the bearer on demand
- (g) the buying and selling of gold and silver whether coined or uncoined,
- (h) the receiving of deposits and keeping cash accounts on such terms as may be agreed on;
- (i) the acceptance of the charge of plate, jewels, title deeds or other valuable goods on such terms as may be agreed on;
- (j) the selling and realising of all property, whether movable or immovable, which may in any way come into the possession of the Bank in satisfaction or part satisfaction of its claims;

(Schedule I—Part I.—Business which the Bank is authorised to carry on and transact.)

- (k) the transacting of pecuniary agency business on commission ;
- (l) the acting as administrator, executor or trustee for the purpose of winding up estates and the acting as agent on commission in the transaction of the following kinds of business, namely :—
 - (i) the buying, selling, transferring and taking charge of any securities or any shares in any public Company ;
 - (ii) the receiving of the proceeds whether principal, interest or dividends, of any securities or shares ;
 - (iii) the remittance of such proceeds at the risk of the principal by public or private bills of exchange, payable either in India or elsewhere ;
- (m) the drawing of bills of exchange and the granting of letters of credit payable out of India, for the use of principals for the purpose of the remittances mentioned in clause (l) and also for private constituents for *bonâ fide* personal needs ;
- (n) the buying, for the purpose of meeting such bills or letters of credit, of bills of exchange payable out of India, at any usance not exceeding six months ;
- (o) the borrowing of money in India for the purposes of the Bank's business, and the giving of security for money so borrowed by pledging assets or otherwise ;
- (p) the borrowing of money in England for the purposes of the Bank's business upon the security of assets of the Bank, but not otherwise ; and
- (q) generally, the doing of all such matters and things as may be incidental or subsidiary to the transacting of the various kinds of business hereinbefore specified.

(Schedule I—Part II—Business which the Bank is not authorised to carry out and transact)

PART II

Business which the Bank is not authorised to carry out or transact

The Bank shall not transact any kind of banking business other than those specified in Part I and in particular—

(1) It shall not make any loan or advance—

(a) for a longer period than six months or

(b) upon the security of stock or shares of the Bank or

(c) save in the case of the estates specified in clause (a) of Part I upon mortgage or in any other manner upon the security of any immoveable property or the documents of title relating thereto

(2) The Bank shall not [except upon a security of the kind specified in sub clauses (i) to (iv) of clause (a) of Part I] discount bills for any individual or partnership firm for an amount exceeding in the whole at any one time such sum as may be prescribed or lend or advance in any way to any individual or partnership firm in amount exceeding in the whole at any one time such sum as may be so prescribed

(3) The Bank shall not discount or buy or advance and lend or open cash credits on the security of any negotiable instrument of any individual or partnership firm payable in the town or at the place where it is presented for discount which does not carry on it the several responsibilities of at least two persons or firms unconnected with each other in general partnership

(4) The Bank shall not discount or buy, or advance and lend or open cash credits on the security of any negotiable security having at the date of the proposed transaction a longer period to run than six months or if drawn for cash drawn for a longer period than six months

Provided that nothing in this Part shall be deemed to prevent the Bank from allowing any person who keeps an account with the Bank to overdraw such account, without security, to such extent as may be prescribed

(Schedule II.—Regulations of the Bank.)

SCHEDULE II.

REGULATIONS OF THE BANK.

(See section 22.)

The certi-
ficates.

1. Every person whose name is entered as a shareholder in the register of shareholders shall, without payment, be entitled to a certificate under the common seal of the Bank or if the certificate relates to shares registered in a branch register under the official seal of the Bank specifying the share or shares held by him and the amount paid up thereon: Provided that, in respect of a share or shares held jointly by several persons, the Bank shall not be bound to issue more than one certificate, and delivery of a certificate for a share to one of several joint-holders shall be sufficient delivery to all.

*Lien.*Bank's lien
on shares.

2. The Bank shall have a lien on every share (not being a fully paid share) for all moneys (whether presently payable or not) called or payable at a fixed time in respect of that share, and the Bank shall also have a lien on all shares standing registered in the name of a single person for all moneys presently payable by him or his estate to the Bank. The Bank's lien, if any, on a share shall also extend to all dividends payable thereon.

Power to
sell for
default.

3. The Bank may sell, in such manner as it thinks fit, any shares on which it has a lien, but no sale shall be made unless some sum in respect of which the lien exists is presently payable, nor until the expiration of fourteen days after a notice in writing, stating and demanding payment of such part of the amount in respect of which the lien exists as is presently payable, has been given to the registered holder for the time being of the share, or to the person entitled by reason of his death or insolvency to the share.

Disposal of
proceeds
of sales.

4. The proceeds of the sale shall be applied in payment of such part of the amount in respect of which the lien exists as is presently payable, and the residue shall (subject to a like lien for sums not presently payable, as existed upon the shares prior to the sale) be paid to the person entitled to the shares at the date of the sale. The purchaser shall be registered as the holder of the shares, and he shall not be bound to see

(Schedule II.—Regulations of the Bank.)

to the application of the purchase-money, nor shall his title to the shares be affected by any irregularity or invalidity in the proceedings in reference to the sale.

Calls on Shares.

5. The Bank may, from time to time, make calls upon the share-holders in respect of any moneys unpaid on their shares, provided that no call shall exceed one-fourth of the nominal amount of the share, or be payable at less than two months from the last call; and each share-holder shall (subject to receiving at least two months' notice specifying the time or times of payments) pay to the Bank at the time or times so specified the amount called on his shares.

6. The joint-holders of a share shall be jointly and severally liable to pay all calls in respect thereof.

Liability of joint-holders.

7. If a sum called in respect of a share is not paid before or on the day appointed for payment thereof, the person from whom the sum is due shall pay interest upon the sum at the rate of ten per cent. per annum from the day appointed for the payment thereof to the time of the actual payment, but the Central Board shall be at liberty to waive payment of that interest wholly or in part.

Liability to pay interest on unpaid calls.

Transfer and transmission of Shares.

8. The instrument of transfer of any share in the Bank shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain holder of the share until the name of the transferee is entered in the register of shareholders in respect thereof.

Execution of transfers.

9. Shares in the Bank shall be transferred in the following Form, or in any usual or common Form which the Central Board shall approve:—

Form of transfers.

I, A. B. of _____, in consideration of the sum of rupees _____ paid to me by C. D. of _____ (hereinafter called "the said transferee") do hereby transfer to the said transferee the share [or shares] numbered _____ in the Imperial Bank of India to hold unto the said transferee, his executor, administrators and assigns, subject to the several conditions on which I held the same at the time of

(Schedule II.—Regulations of the Bank.)

the execution thereof, and I, the said transferee, do hereby agree to take the said share [or shares] subject to the conditions aforesaid.

As witness our hands the day of

Witness to the signature of, etc.

Power to
decline to
register
transfers.

10. The Bank may decline to register any transfer of shares, not being fully paid shares, to a person of whom it does not approve, and may also decline to register any transfer of shares on which the Bank has a lien. The Bank may also suspend the registration of transfers for any period during which it has under the provisions of this Act directed that the registers shall be closed.

The Bank may decline to recognise any instrument of transfer unless—

(a) a fee not exceeding two rupees is paid to the Bank in respect thereof; and

(b) the instrument of transfer is accompanied by the certificate of the shares to which it relates, and such other evidence as the Bank may reasonably require to show the right of the transferor to make the transfer.

Deceased
share-
holders.

11. The executors or administrators of a deceased sole holder of a share shall be the only persons recognised by the Bank as having any title to the share. In the case of a share registered in the names of two or more holders, the survivors or survivor, or the executors or administrators of the deceased survivor, shall be the only persons recognised by the Bank as having any title to the share.

Death or
insolvency
of share-
holders.

12. Any person becoming entitled to a share in consequence of the death or insolvency of a shareholder shall, upon such evidence being produced as may be required by the Bank, have the right either to be registered as a shareholder in respect of the share or, instead of being registered himself, to make such transfer of the share as the deceased or insolvent person could have made; but the Bank shall, in either case, have the same right to decline or suspend registration as it would have had in the case of a transfer of the share by the deceased or insolvent person before the death or insolvency.

(Schedule II.—Regulations of the Bank.)

13. Any person becoming entitled to a share in consequence of the death or insolvency of the holder shall be entitled to the same dividends and other advantages to which he would be entitled if he were the registered holder of the share, except that he shall not, before being registered as a shareholder in respect of the share, be entitled in respect of it to exercise any right conferred on a shareholder in relation to meetings of the Bank.

Rights of persons acquiring shares on death or insolvency of shareholder.

Forfeiture of Shares.

14. If a shareholder fails to pay any call or instalment of a call on the day appointed for payment thereof, the Central Board may, at any time thereafter during such time as any part of such call or instalment remains unpaid, serve a notice on him requiring payment of so much of the call or instalment as is unpaid, together with any interest which may have accrued.

Failure to pay call.

15. The notice shall name a further day (not earlier than the expiration of fourteen days from the date of the notice) on or before which the payment required by the notice is to be made, and shall state that, in the event of non-payment at or before the time appointed, the shares in respect of which the call was made will be liable to be forfeited.

Form of notice.

16. If the requirements of any such notice as aforesaid are not complied with, any share in respect of which the notice has been given may at any time thereafter, before the payment required by the notice has been made, be forfeited by a resolution of the Central Board to that effect.

Forfeiture of share.

17. A forfeited share may be sold or otherwise disposed of on such terms and in such manner as the Central Board thinks fit, and at any time before a sale or disposition the forfeiture may be cancelled on such terms as the Central Board thinks fit.

Disposal of forfeited shares.

18. A person whose shares have been forfeited shall cease to be a shareholder in respect of the forfeited shares, but shall, notwithstanding, remain liable to pay to the Bank all moneys which, at the date of forfeiture, were presently payable by him to the Bank in respect of the shares, but his liability shall cease if and when the Bank receives payment in full of the nominal amount of the shares.

Liability shareholder after forfeiture.

(Schedule II.—Regulations of the Bank.)

Alteration of Capital.

Power to
increase or
reduce
capital.

19. The shareholders of the Bank may, by special resolution and with the previous sanction of the Governor General in Council, increase or reduce the capital of the Bank :

Provided that no such special resolution shall be deemed to have been passed, unless at least one-third in number of the shareholders, holding at least one-half of the paid-up capital of the Bank for the time being, be present in person or by proxy, and the majority of such shareholders have voted either by show of hands or by poll, as the case may be, in favour of the said resolution.

Procedure
on resolution
to
increase
capital.

20. When any such special resolution to increase the capital has been passed, the Central Board may, subject to the provisions of this Act and to the special directions (if any) given in reference thereto by the meeting at which such resolution has been passed—

- (a) make such orders as it thinks fit for the opening of subscriptions by the shareholders towards such increase of capital ;
- (b) allow to the shareholders such period to fill up the subscription as it thinks fit ;
- (c) direct the manner in which the shareholders shall subscribe and pay into the Bank the proportions of new capital which they may respectively desire to subscribe ; and
- (d) make such orders as it thinks fit for the disposal and allotment of the amount of new capital that may not be subscribed for and paid up in the manner aforesaid

New shares.

21. Any new share shall be subject to the same provision with reference to the payment of calls, lien, transfer, transmission, forfeiture and otherwise as the shares in the original capital.

Procedure
on resolution
to reduce
capital.

22. When any such special resolution to reduce the capital has been passed, the Central Board may (subject as aforesaid) determine the manner in which the reduction shall be carried into effect.

Meetings of Shareholders.

Annual
general
meeting.

23. (1) On the first Monday of the month of August in every year, or as soon after such day as is convenient, a general meeting shall be held at such time and at such town where there is a local head office of

(Schedule II.—Regulations of the Bank.)

the Bank as shall from time to time be prescribed by the Central Board, at which meeting the Central Board shall submit to the shareholders a statement of the affairs of the Bank made up to the preceding thirtieth day of June:

Provided that such general meeting shall not be held on two consecutive occasions at any one town in which there is a local head office of the Bank.

(2) A notice convening such meeting, signed by a Managing Governor, shall be published in the Gazette of India and in such other manner as the Central Board may direct at least fifteen days before the meeting is held.

24. Any hundred or more shareholders holding shares to the aggregate amount of five hundred thousand rupees or any three Governors may convene a special meeting upon giving sixty days' previous notice of such meeting, and of the purpose for which the same is convened, as well to the Central Board as also by public advertisement in the Gazette of India, and in two of the English daily newspapers and one of the vernacular newspapers: Special meetings.

Provided that three months' previous notice shall be thus given of any special meeting held for the purpose of increasing or reducing the capital of the Bank, and shall also be addressed to every shareholder.

25. (1) No business shall be transacted at any meeting, whether general or special, unless a quorum of two hundred shareholders, in person or by proxy, is present at the commencement of such business. Quorum.

(2) If within one hour from the time appointed for the meeting a quorum is not present, the meeting, if convened by shareholders not being Governors, shall be dissolved; in any other case, it shall stand adjourned to the same day in the following week at the same time and place, and if at such adjourned meeting a quorum is not present, those shareholders who are present shall be a quorum.

26. (1) Save as is otherwise provided in this Act in regard to resolutions for the increase or reduction of capital or for the removal of a Governor, every election and every matter submitted to a meeting, whether general or special, shall be decided by a majority of votes. Decision by majority of votes.

(Schedule II.—Regulations of the Bank.)

(2) No shareholder shall be allowed to vote at any such meeting in respect of any share acquired by transfer, unless such transfer shall have been completed and registered at least three months before the time of such meeting.

(3) No shareholder shall be entitled to vote at any meeting in respect of any shares held by him alone or jointly, whilst any call due from him alone or jointly remains unpaid.

Power to
declare
resolution
carried by
show of
hands.

27. Save as otherwise provided in this Schedule a declaration by the chairman of any meeting, that a resolution has been carried or rejected thereat upon a show of hands, shall be conclusive, and an entry to that effect in the book of proceedings of the Bank shall be sufficient evidence of that fact, without proof of the number or proportion of the votes recorded in favour of, or against, such resolution, unless, immediately on such declaration, a poll be demanded in writing by ten shareholders present and entitled to vote at such meeting.

Poll to be
taken if duly
demanded.

28. If a poll be duly demanded, it shall be taken either at once or at such time and place and, save as otherwise provided in this Act, either by open voting or by ballot, as the chairman directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

Proceedings
and resolu-
tions at
meetings to
be binding.

29. The proceedings at any meeting and all resolutions and decisions of such meeting shall be valid and binding on the Bank so far as such proceedings, resolutions and decisions are consistent with the provisions of this Act.

Votes of members.

Votes.

30. On a show of hands every shareholder present in person shall have one vote. On a poll every shareholder shall have one vote for every four shares of which he is the holder.

Votes of
joint-
holders.

31. In the case of joint-holders, the vote of the senior who tenders a vote, whether in person or by proxy, shall be accepted to the exclusion of the votes of the other joint-holders; and for this purpose seniority shall be determined by the order in which the names stand in the register of shareholders.

(Schedule II—Regulations of the Bank)

32 A shareholder of unsound mind, or in respect of whom an order has been made by any Court having jurisdiction in lunacy may vote, whether on a show of hands or on a poll, by his committee or other legal guardian, and a shareholder who is a minor may similarly vote by his guardian and any such committee or guardian may on a poll vote by proxy. Votes on behalf of lunatics and minors.

33 No shareholder shall be entitled to vote at any general meeting unless all calls or other sums presently payable by him in respect of shares in the Bank have been paid. Shareholders in default.

34 On a poll votes may be given either personally or by proxy. Poll.

35 The instrument appointing a proxy shall be in writing under the hand of the appointor or of his attorney duly authorised in writing. No person shall act as a proxy unless either he is entitled on his own behalf to be present and vote at the meeting at which he is to act, or he has been appointed to act at that meeting as proxy for a corporation. Form of proxies.

36 The instrument appointing a proxy and the power of attorney or other authority (if any), under which it is signed, or a notarially certified copy of that power or authority, shall be deposited at the head office of the Bank in the place where the meeting is to be held not less than ninety-six hours before the time for holding the meeting at which the person named in the instrument proposes to vote and in default the instrument of proxy shall not be treated as valid. Deposit of proxies.

Local Meetings

37 A general meeting of the shareholders on a branch register shall be held once in every year at the local head office of the Bank at which the branch register is kept. It shall be held on such date as the Central Board may direct. Annual local meeting.

38 The foregoing provisions of this Schedule as to the convening of general and special meetings and procedure at meetings shall, so far as may be, apply to local and special local meetings of the shareholders on a branch register. If closure at local meeting.

Provided that references in the said provisions to shareholders shall be deemed to be references to shareholders on the branch register, and references to Governors, Managing Governors and the Gazette of India

(Schedule II.—Regulations of the Bank.)

shall be deemed to be references, respectively, to the members of the Local Board, Secretaries and to the local official Gazette :

Provided, further, that ten or more shareholders holding shares to the aggregate amount of fifty thousand rupees may convene a special local meeting and that the number of shareholders to constitute a quorum and to demand a poll in the case of a local meeting shall be, respectively, twenty and five.

Qualifications and disqualifications of Governors and others.

Qualification
and dis-
qualification
of Governors
and of
members
of Local
Boards.

39. (1) No person shall be qualified to serve as a Governor or as a member of a Local Board who is not a holder in his own right of unencumbered shares of the Bank, to the nominal amount of ten thousand rupees at the least :

Provided that this provision shall not apply in the case of a person who is an officer of the Bank or is nominated or appointed by the Governor General in Council.

(2) No person shall be qualified to serve as a Governor or as a member of a Local Board—

if he holds the office of director, provisional director, promotor, agent or manager of any joint-stock bank established or having a branch or agency in British India, or advertised as about to be established or to have a branch or agency in British India :

Provided that this disqualification shall not apply to any person being a director of a joint-stock bank, who may be nominated as a Governor under the provision of clause (iii) of sub-section (1) of section 28 ; or

if he is a salaried officer of Government not specially authorised by this Act or by the Governor General in Council to serve as a member ;

and the office of a Governor or a member of the Local Board shall be vacated—

if the person holding it resigns his office or dies ;

if he accepts or holds any other office of profit under the Bank ;

if he becomes insolvent or bankrupt, or compounds with his creditors ;

(Schedule II — Regulations of the Bank.)

if he is declared lunatic or becomes of unsound mind

if he is absent from the Central Board or the Local Board in such case may be, for more than six consecutive months or

if he ceases to hold in his own right the amount of shares requisite to qualify him for the office

(3) No two persons who are partners of the same mercantile firm or are directors of the same private company or one of whom is the general agent of or holds a power of procuration from the other or from a mercantile firm of which the other is a partner shall be eligible or qualified to serve as members of the Central Board or a Local Board or of the Central Board and a Local Board at the same time

Removal of Governors and members of Local Boards

40 The shareholders may by a special resolution passed by a majority of the votes of shareholders holding in the aggregate not less than one half of the capital remove any Governor (other than a Governor nominated or appointed by the Governor General in Council) before the expiration of his period of office and appoint, in his stead, a qualified person who shall in all respects stand in his place Removal of Governors

41 The shareholders on a branch register may by a special local resolution passed by the votes of shareholders holding in the aggregate not less than one half of the capital on the branch register remove any member of the Local Board before the expiration of his period of office, and appoint in his stead a qualified person who shall in all respects stand in his place Removal of member of Local Board

Meetings of Central Board

42 (1) Meetings of the Central Board shall be convened not less than once in every three months by a Managing Governor and a meeting of the Central Board shall be held once at least in every year at every local place and other established by this Act Meetings of Central Board

(2) Any Local Board may require a Managing Governor to convene a meeting of the Central Board at any time and a Managing Governor shall forthwith convene a meeting accordingly

(3) Four Governors entitled to vote shall form a quorum for the transaction of business

(Schedule II.—Regulations of the Bank.)

token of their presence, and such signing shall be independent of the signing of any person who may sign the instrument as a witness. Unless so signed as aforesaid such instrument shall be of no validity.

(2) The Bank shall have for use by the Local Boards at Calcutta, Madras and Bombay, and may have for the use of other Local Boards established under this Act, official seals which shall be facsimiles of the common seal of the Bank with the addition of the name of the local head office where it is to be used.

(3) The official seal shall be affixed to the certificates issued in respect of any shares entered in the branch registers kept at those places and may be used for such other purposes as may be prescribed.

(4) An instrument to which an official seal is duly affixed shall bind the Bank as if it had been sealed with the common seal of the Bank.

(5) An official seal shall not be affixed to any instrument except in the presence of at least two members of the Local Board and the secretary, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person who may sign the instrument as a witness. Unless so signed as aforesaid such instrument shall be of no validity.

Officers of the Bank.

Appoint-
ment,
salaries,
suspension
and removal
of officers.

50. The Central Board and, subject to the provisions of this Act, the Local Boards shall have power—

- (a) to appoint such officers and servants as may be necessary to conduct the business of the Bank,
- (b) to grant salaries, pensions and other emoluments to such officers and servants, and
- (c) to suspend or remove any officer or servant of the Bank.

Accounts,
receipts and
documents
of Bank by
whom to be
signed.

51. The Managing Governors, the secretaries and such other officers of the Bank as the Central Board may authorise in this behalf by notification in the Gazette of India are hereby severally empowered, for and on behalf of the Bank, to endorse and transfer promissory notes, stock-receipts, stock-debentures, shares, securities and documents of title to goods, standing in the name of or held by the Bank, and to draw, accept and endorse bills of exchange, bank post-bills, and letters of credit, in the current and authorised business of the Bank, and to sign all other accounts, receipts and documents connected with such business

(Schedule II — Regulations of the Bank.)

52. No Managing Governor, secretary, inspector, manager, or assistant in the service of the Bank, and, without the previous sanction of the Board, no khazanchi, cashier or shroff in the service of the Bank and no agent, at any branch or agency of the Bank, shall engage in any other banking or commercial business either on his own account or as agent for any other person or persons or shall act as broker or agent for the sale or purchase of Government or other securities.

53. Every person appointed to hold or act in any one or more of the said offices, and every other officer from whom the Central Board may think fit to require it shall give security to the Bank for the faithful discharge of his duty to the satisfaction of the Central Board in such amount and in such manner as it thinks proper. The security to be given is provided by the person holding or acting in the office of secretary shall not be in a less amount than fifty thousand rupees.

Accounts and Dividends.

54. (1) The Central Board shall cause the books of the Bank to be balanced on every thirty first day of December and every thirtieth day of June.

(2) A statement of the balance at every such period signed by a majority of the Governors, shall be forthwith sent to the Governor General in Council.

(3) The Governor General in Council shall (so long as any such arrangement with the Secretary of State as is mentioned in section 10 is in force) be entitled to require of the Central Board any information touching the affairs of the Bank and the production of any document of the Bank, and may require the publication of such statements of its assets and liabilities at such intervals and in such form and manner as he thinks fit.

55. (1) An account of the profits of the Bank during the previous half year shall be taken on or immediately after every thirty first day of December and every thirtieth day of June. The dividend shall be made as soon thereafter as conveniently may be, and the amount of each dividend shall be determined by the Central Board.

(2) No unpaid dividend shall be carried over from one year to the next.

(Schedule II.—Regulations of the Bank.)

Transfer to
Reserve.

56. The Central Board may, before declaring any dividend, set aside out of the profits of the Bank such sums as it thinks proper as a reserve or reserves which shall, at the discretion of the Central Board, be applicable for meeting contingencies, or for equalising dividends, or for any other purpose to which the profits of the Bank may be properly applied, and pending such application may, at the like discretion, either be employed in the business of the Bank or be invested in any of the securities specified in sub-clauses (i) to (iii) of clause (a) of Part I of Schedule I.

Joint-hold-
ers.

57. If several persons are registered as joint-holders of any share, any one of them may give effectual receipts for any dividends payable on the share.

Audit.

Auditors.

58. (1) Three auditors shall be elected and their remuneration fixed at the annual general meeting. The auditors may be shareholders, but no Governor or member of a Local Board or other officer of the Bank shall be eligible during his continuance in office. Any auditor shall be eligible on quitting office for re-election.

(2) The first auditors of the Bank may be appointed by the Central Board before the annual general meeting and if so appointed shall hold office only until the first annual general meeting. All auditors elected under this clause shall severally be and continue to act as auditors until the first general meeting after their respective elections :

Provided that, if any casual vacancy occurs in the office of any auditor elected under this section, a special meeting shall be called for the purpose of supplying the same.

Government
auditors.

59. Without prejudice to anything contained in the foregoing provisions, the Governor General in Council may appoint such auditors as he thinks fit to examine and report upon the accounts of the Bank.

Rights and
duties of
auditors.

60. (1) Every auditor shall be supplied with a copy of the half-yearly balance-sheet, and it shall be his duty to examine the same, with the accounts and vouchers relating thereto. Every auditor shall have a list delivered to him of all books kept by the Bank, and shall at all reasonable times have access to the books, accounts and other documents of the Bank, and may, at the expense of the Bank if appointed by it and at the expense of the Governor General in Council if appointed by

(Schedule II—Regulations of the Bank.)

him, employ accountants or other persons to assist him in investigating such accounts and may in relation to such accounts, examine any Governor or any member of a Local Board or any officer of the Bank.

(2) The auditors shall make a report to the shareholders or to the Governor General in Council, as the case may be, upon the annual balance sheet and accounts and in every such report they shall state whether, in their opinion the balance sheet is a full and fair balance-sheet containing the prescribed particulars and properly drawn up so as to exhibit a true and correct view of the state of the Bank's affairs and in case they have called for any explanation or information from the Central Board, whether it has been given and whether it is satisfactory. Any such report made to the shareholders shall be read together with the report of the Central Board at the annual general meeting.

Notices

61 (1) A notice may be given by the Bank to any shareholder either *in person* personally or by sending it by post to him to his registered address or (if he has no registered address in British India) to the address if any within British India supplied by him to the Bank for the giving of notices to him.

(2) Where a notice is sent by post service of the notice shall be deemed to be effected by properly addressing, prepaying and posting a letter containing the notice and unless the contrary is proved to have been effected at the time at which the letter would be delivered in the ordinary course of post.

62 If a shareholder has no registered address a notice addressed ^{to the address of the shareholder} to him and advertised in the Gazette of India and a daily newspaper shall be deemed to be duly given to him on the day on which the advertisement appears.

63 A notice may be given by the Bank to the joint holders of a share by giving the notice to the joint holder named first in the register ^{in respect of the share} in respect of the share.

64 Any notice given in accordance with the foregoing provisions shall be deemed to have been duly given notwithstanding that the shareholder has then deceased and whether or not the Bank had notice of his death, and shall in that event be deemed to be a notice to his legal representative.

Service of
notice on
Bank.

65. A notice may be served on the Bank by leaving it at, or sending it by post to, any local head office of the Bank.

[SCHEDULE III.]

[Enactments Repealed.] Repealed by the Repealing Act, 1927 (12 of 1927).

ACT No. XLVIII of 1920.¹

[22nd September, 1920.]

1920.
An Act to constitute an Indian Territorial Force, ~~and to provide for the enrolment therein of persons other than European British subjects.~~

WHEREAS it is expedient to provide for the constitution of an Indian Territorial Force, ~~and for the enrolment therein of persons other than European British subjects who may offer themselves therefor~~; It is hereby enacted as follows :—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Indian Territorial Force Act, 1920.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force on the first day of October, 1920.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

“ Advisory Committee ” means an Advisory Committee constituted under section 12 for the Province within which a person subject to this Act for the time being resides or is serving, as the case may be ;

“ enrolled ” means enrolled or re-enrolled in the Indian Territorial Force under this Act ;

“ European British subject ” means any person who is a European British subject as defined in the Code of Criminal Procedure, 1898, or V of 189 is a British subject of European descent in the male line ;

“ prescribed ” means prescribed by rules made under this Act ; and

“ University Corps ” means any corps of the Indian Territorial Force constituted for the appointment thereto of students of, and other

¹For Statement of Objects and Reasons, see Gazette of India, 1920, Pt. V, p. 174; for Report of Select Committee, see *ibid.*, 1920, Pt. V, p. 264, and for Proceedings in Council, see *ibid.*, 1920, Pt. VI, pp. 1049, 1096 and 1273.

persons connected with, a University established by law in British India or colleges affiliated to such a University

3. There shall be raised and maintained in the manner hereinafter

5 After section 4 of the said Act, the following section shall be inserted, namely —

“ 4A (1) There shall be the following classes of officers in the Indian Territorial Force, namely —

- (a) senior officers, holding commissions granted by the Governor General in the name of His Majesty, with British designation of rank, and
- (b) junior officers, holding commissions granted by the Governor General, with Indian designation of rank

(2) An officer shall be deemed to be enrolled in the Indian

Insertion of new
section 4A in
Act XLVIII of
1920
Classes of
officers

Discharge.

7-A.

8. Every person enrolled shall be entitled to receive his discharge from the Indian Territorial Force on the expiration of the period for which he was enrolled, and any such person may, prior to the expiration of that period, be discharged from the said Force by such authority and subject to such conditions as may be prescribed, and shall be so discharged on a recommendation of the Advisory Committee in this behalf:

Provided that no person enrolled who is for the time being engaged in military service under the provisions of this Act shall be entitled to receive his discharge before the termination of such service.

Liability to
serve and
perform
military
service.

9. (1) Every person enrolled shall, subject to such conditions as may be prescribed, be bound to serve in any corps or unit of the Indian Territorial Force to which he has been appointed or transferred or is for the time being attached, and shall be subject to all rules and regulations that may be made under this Act relating to such corps or unit.

(2) Every person enrolled shall be liable to perform military service—
who has attained the age of 18 yrs.
Proviso

(a) when called out with any portion of the Indian Territorial Force by an order of the senior military officer present either to act in support of the civil power or to provide guards which, in the opinion of such officer, are essential; or

(b) when any portion of the Indian Territorial Force to which he belongs has been embodied to support or supplement His Majesty's regular forces in India in the event of an emergency by a notification directing such embodiment issued by the Governor General in Council and published in the Gazette of India; or

(c) when attached at his own request to any regular forces.

Territorial
limits of
liability to
and duration
of, military
service.

10. (1) No person embodied under section 9 shall be required to perform military service beyond the limits of India save under a general or special order of the Governor General in Council.—

(2) Any portion of the Indian Territorial Force which, having been called out or embodied under section 9, is performing military service shall be replaced by regular troops or otherwise as soon as circumstances permit, and shall not be required to perform such service after such replacement has been effected to the satisfaction of the senior military officer in charge or after the cancellation of the order or notification under clause (a) or (b), as the case may be, of section 9.

IX-1928.

Substitution of
new section
for section 11,
Act XLVIII of
1920.
Application of
the Army Act
and of the
Indian Army
Act, 1911.

11. For section 11 of the said Act, the following section shall be substituted, namely:—

“ 11. (1) Every senior officer of the Indian Territorial Force, when doing duty as such officer, shall be subject to the Army Act, and any orders or regulations made thereunder. ”

without having been embodied for that purpose, and non-commissioned officers and men of a University Corps when under-
going

tion 9, or

(b) when attached to, or otherwise acting as part of or with, any regular forces,

shall be subject to the Indian Army Act, 1911, and the rules made thereunder, whereupon the said Act and rules shall apply to him as if he held the same rank in His Majesty's Indian forces as he holds for the time being in the Indian Territorial Force.

(2) Every commissioned officer, non-commissioned officer and man of the said Force when embodied for, or otherwise undergoing, military training in the prescribed manner shall be subject to the Indian Army Act, 1911, and the rules made thereunder:

Provided that the said Act and rules shall in their application to such persons be modified to such extent and in such manner as may be prescribed:

Provided, further, that officers, non-commissioned officers and men of a University Corps shall, when undergoing military training, be subject only to such disciplinary and other rules as may be prescribed in this behalf.

¹[(3) Where an offence punishable under the Indian Army Act, 1911, or, as the case may be, under that Act as modified under subsection (2), has been committed by any person whilst subject to that Act under the provisions of this section, such person may be taken into and kept in military custody and tried and punished for such offence under that Act, although he has ceased to be so subject as aforesaid, in like manner as he might have been taken into and kept in military custody, tried or punished, if he had continued to be so subject:]

Provided that no such person shall be kept in military custody after he has ceased to belong to the Indian Territorial Force, unless he has been taken into or kept in military custody on account of the offence before the date on which he ceased so to belong, nor shall he be kept in

¹ This subsection was added by s. 2 of the Indian Territorial and Auxiliary Forces (Amendment) Act, 1923 (31 of 1923)

military custody or be tried or punished for the offence after of two months from that date, unless his trial had already c before such expiry.]

11-A
Advisory
Committees.

1528
12. (1) The Local Government of each Province for which an of the Indian Territorial Force has been constituted shall constitute Advisory Committee consisting of three members, of whom one shall a military officer appointed in the prescribed manner and the others shall be persons who are British subjects (other than European British subjects) not in the service of Government, appointed annually by, or under the orders of, the Local Government.

(2) The duties, powers and procedure of Advisory Committees shall be such as may be prescribed.

Power to
make rules.

13. (1) The Governor General in Council may, after previous publication, make rules¹ to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may—

- (a) prescribe the manner in which, the period for which and the conditions subject to which, persons may be enrolled under section 5;
- (b) prescribe the manner in which persons enrolled may be appointed to corps and units under section 6 or transferred under section 7 or section 7A.
- (c) prescribe the authorities by which and the conditions subject to which persons enrolled may be discharged under section 8;
- (d) prescribe the preliminary and periodical training to be undergone by any persons or class of persons enrolled and provide for the embodiment of any corps or unit for that purpose;
- (e) prescribe the military or other obligations to which members of a University Corps shall be liable when undergoing military training and provide generally for the maintenance of discipline in such cases;
- (f) provide for the medical examination of persons offering themselves for enrolment under section 5;

¹ For notification publishing such rules, see Gen. R. and O., Vol. IV, p. 584.

(g) provide for and regulate the remuneration, allowances, gratuities or compensation (if any) to be paid to any person or class of persons enrolled or to their dependants, and

(h) provide for any other matter which under this Act is to be or may be prescribed

(3) All rules made under this Act shall be published in the Gazette of India, and on such publication shall have effect as if enacted in this Act

14. (1) The Commander-in-Chief of His Majesty's forces in India may make regulations consistent with this Act and the rules made thereunder providing generally for all details connected with the organization and personnel of the Indian Territorial Force and for the duties, military training, clothing, equipment, allowances and leave of persons enrolled

Power to make regulations.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may specify the courses of training or instruction to be followed by any person or class of persons enrolled

15. For the purposes of sections 128, 130 and 131 of the Code of Criminal Procedure, 1898, all officers, non-commissioned officers and men of the Indian Territorial Force who have been appointed to a corps or unit shall be deemed to be officers, non-commissioned officers and soldiers, respectively, of His Majesty's Army

Certain person subject to this Act to be deemed part of His Majesty's Army for certain purposes.

16. No person shall be liable to pay any municipal or other tax in respect of any horse, bicycle, motor bicycle, motor car, or other means of conveyance which he is authorized by regulations made under section 14 to maintain in his capacity as a member of the Indian Territorial Force

Exemption from local taxation.

THE AUXILIARY FORCE ACT, 1920.

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SECTIONS.

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SCHEDULE I -- TRAINING

SCHEDULE II —Enactments repealed

ACT No. XLIX OF 1920.¹

[22nd September, 1920.]

An Act to constitute an auxiliary force for service in India.

WHEREAS it is expedient to constitute an auxiliary force for service in India; It is hereby enacted as follows :—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Auxiliary Force Act, 1920.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas, and applies also to European British subjects within the territories of any Prince or Chief in India.

(3) It shall come into force on the first day of October, 1920.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

“ Advisory Committee ” means an Advisory Committee constituted under section 28 for the prescribed military area, or part of a prescribed military area, within which a person subject to this Act for the time being resides or is serving, as the case may be ;

“ competent military authority ” means the General or other Officer Commanding the prescribed military area within which a person subject to this Act for the time being resides or is serving, as the case may be ;

“ enrolled person ” means a person enrolled in the prescribed manner under this Act ;

“ enrolling officer ” means an officer authorised to enroll persons under this Act ;

“ prescribed ” means prescribed by rules made under this Act, and “ prescribe ” has a corresponding meaning ;

“ regulation ” means a regulation made under section 31 ; and

“ training year ” means a period of twelve months beginning on the first day of April and ending on the thirty-first day of March.

Constitution
of an
auxiliary
force.

3. There shall be raised and maintained in the manner hereinafter provided an auxiliary force for service in India to be designated the Auxiliary Force, India.

¹ For Statement of Objects and Reasons, see Gazette of India, 1920, Pt. V, p. 154 ; for Report of Select Committee, see *ibid*, 1920, Pt. V, p. 255, and for Proceedings in Council, see *ibid*, 1920, Pt. VI, pp. 1042 and 1282.

4. Every person who—

(Classes who

1. (1) This Act may be called the Auxiliary Force (Amendment) Act, 1928. Short title and commencement.

(2) It shall come into force on such date, not later than the 1st day of January, 1929, as the Governor General in Council may, by notification in the Gazette of India, appoint.

2. In section 4 of the Auxiliary Force Act, 1920 (hereinafter referred to as the said Act),— Amendment of section 4, Act XLIX of 1920.

(a) clause (b) shall be omitted;

(b) in clause (c), the word "or" shall be omitted, and the clause shall be re-lettered as clause (b); and

(c) clause (d) shall be omitted.

3. The provisions of this Act, so far as they relate to the enrolment thereunder.

5. (1) Any male eligible for enrolment under this Act who has attained the age of sixteen years and is not a member of His Majesty's regular naval, military or air forces or of His Majesty's Royal Indian Marine may apply to be enrolled in the Auxiliary Force, India, and if he satisfies the prescribed conditions, may be enrolled therein in the prescribed manner and shall thereupon become subject to the provisions of this Act. Enrolment.

(2) An applicant for enrolment may apply to be enrolled for service in any particular branch, or in any particular corps or unit located in the prescribed military area within which he for the time being resides.

6. Every enrolled person shall be liable to undergo military training as provided by or under this Act until discharged from the Auxiliary Force, India, as hereinafter provided. Liability to undergo military training.

7. Every enrolled person liable to undergo military training under section 6 shall, on and from the first day of April next following the date on which he attains the age of eighteen years or, if he has already attained the age of eighteen years on and from any later date on which he is enrolled, be liable to perform military service under this Act. Liability to perform military service.

8. (1) Every enrolled person shall, without unnecessary delay, be appointed by, or under the orders of, the competent military authority to a corps or unit of the Auxiliary Force, India, and on receipt of an order so appointing him shall report himself for the purpose of joining such corps or unit at such time and place as may be specified in the order. Appointment to a corps or unit.

(2) Any person who has been enrolled for service in any particular branch, corps or unit shall be appointed to a corps or unit of that branch or to that corps or unit, as the case may be.

9. Every enrolled person liable to perform military service under this Act who on becoming so liable has not attained the age of thirty-one years shall, within the training year in which he becomes so liable, undergo the preliminary training specified in Schedule I :

Provided that, if such preliminary training cannot be completed within that training year, it may be completed at the discretion of the competent military authority in the training year next following :

Provided, further, that any person who has completed the preliminary training required by regulations made under the Indian Defence Force Act, 1917, or who has served for a period of six months in His Majesty's III of 1 naval, military or air forces or in His Majesty's Royal Indian Marine, or who is certified by the competent military authority to have undergone adequate military training under the Indian Defence Force Act, 1917, III of 1 or under this Act or otherwise, shall be deemed to have completed the preliminary training required by this section.

10. Every enrolled person (other than a commissioned officer of the Auxiliary Force, India) who is entitled to rank as an officer of His Majesty's Forces, shall undergo such periodical training as may be laid down in regulations.

11. Every enrolled person liable to perform military service under this Act (other than a person to whom the provisions of section 10 apply) shall be included as hereinafter provided in one or other of the following classes, namely :—

- (a) the Active Class;
- (b) the First (A) Class of the Reserve ; or
- (c) the Second (B) Class of the Reserve ;

and shall undergo the periodical training specified in Schedule I for the Class in which he is for the time being included.

12. (1) Every commissioned officer of the Auxiliary Force, India, shall be included in the Active Class until he relinquishes his commission.

(2) Enrolled persons liable to perform military service under this Act not being commissioned officers of the Auxiliary Force, India, or entitled

Periodical
training of
persons
entitled to
rank as
officers.

Classification
and
periodical
training.

Classifica-
tion.

to rank as officers of His Majesty's Forces, shall be classified as follows, namely :—

- (a) every such person who is required by section 9 to undergo preliminary training and has completed or is deemed to have completed the same shall be included in the Active Class until the end of the training year in which he attains the age of thirty-one years;
- (b) every such person who has completed the period of service in the Active Class as required by clause (a) or is enrolled after attaining the age of thirty-one years and before attaining the age of forty years shall be included in the First (A) Class of the Reserve until the end of the training year in which he attains the age of forty years,
- (c) every such person who has completed the period of service in the First (A) Class of the Reserve as required by clause (b) or is enrolled after attaining the age of forty years shall be included in the Second (B) Class of the Reserve until discharged from the Auxiliary Force, India, as hereinafter provided

(3) Any enrolled person who ceases to be entitled to rank as an officer of His Majesty's Forces or to be a commissioned officer of the Auxiliary Force, India, shall thereupon be included in the Class in which he would have been included under this section if the provisions of section 10 or sub-section (1), as the case may be, had not applied to him, and shall undergo periodical training accordingly

(4) Any person who is under this section included in either Class of the Reserve may apply to the competent military authority to be included for any training year in any other Class for which more periodical training is specified in Schedule I, and shall thereupon be deemed to be included in that Class.

(5) Notwithstanding anything hereinbefore contained, if any person is under this section included in any Class after the commencement of a training year, the competent military authority shall reduce to such extent as he may deem fit, or may remit, the amount of periodical training to be undergone by such person in that year.

Variations
of training.

13. (1) The competent military authority may, by order in writing,—
- (a) on the recommendation of the Advisory Committee, direct the inclusion of any enrolled person in any Class for which less periodical training is specified than that specified for the Class in which he is included under the provisions of section 12, or
 - (b) on his own motion or on the recommendation of the Advisory Committee, reduce the specified amount of training either in individual cases or in the case of any unit or part thereof for any stated period.

(2) The competent military authority shall grant to each person whose training is reduced under clause (b) of sub-section (1) a certificate setting forth the amount of training to be undergone during the said period.

Medical
examination.

14. Every enrolled person shall, if and when required by the competent military authority, present himself for such medical examination as may be necessary to determine the extent, if any, to which he is fit to undergo military training or to perform military service, before a medical officer appointed or approved in that behalf by the competent military authority, and for the purposes of such medical examination shall comply with the directions of such medical officer.

Transfers.

15. (1) Every person appointed to a corps or unit under section 8 shall remain in that corps or unit until transferred to another corps or unit by, or under the orders of, the competent military authority, but no person shall be transferred from the Infantry branch to another branch or from one unit to another unit located in the same prescribed military area except at his own request.

(2) Any person so transferred from the Infantry branch to another branch may be required to undergo such further preliminary training, not exceeding eight days, as may be ordered by the competent military authority, and thereafter shall undergo the periodical training specified in Schedule I for the branch to which he is transferred :

Provided that any periodical training already undergone by such person in the training year in which he is transferred shall be deemed to have been undergone in such other branch.

Explanation.—For the purposes of this section and of Schedule I, a day shall be deemed to consist of four hours of actual military drill or

instruction, and may be made up of fractions of a day not more than four in number

16 (1) Any enrolled person who leaves his place of residence in India for the time being and thereby leaves the area commanded by one competent military authority for that commanded by another shall if he does not intend to return to the area which he leaves notify the competent military authority commanding that area of his change of residence

(2) If such person having intended to return does not return within three months he shall notify the competent military authority as aforesaid immediately on the expiry of that period

(3) The competent military authority on being notified of a change of residence under sub-section (1) or sub-section (2) may subject to the provisions of section 15, transfer such person from the corps or unit in which he is serving to another corps or unit

17 (1) Any enrolled person who has attained the age of forty five years or has completed four years' service from the date of his enrolment

3 In section 17 of the said Act,—

(a) in sub-section (2), for the word "may" the word "shall" shall be substituted, and

(b) the following sub-sections shall be added, namely:—

"(3) Any enrolled person may be discharged by such authority, and subject to such conditions, as may be prescribed

(4) Notwithstanding anything contained in sub-section (2) or sub-section (3), no enrolled person, who is for the time being engaged in military service under the provisions of this Act shall be entitled to receive his discharge before the termination of such service"

which, in the opinion of such officer, are essential, or

(b) when any portion of the Auxiliary Force India, to which he belongs has been embodied to support or supplement His Majesty's regular forces in the event of an emergency by a notification directing such embodiment issued by the Governor General in Council or any Local Government empowered by the Governor General in Council in that behalf and published in the Gazette of India or the Local Official Gazette, as the case may be, or

(c) when attached at his own request to any regular forces

Change of residence

Amendment of section 17, Act XLIX of 1920

Territorial
limits of
liability to
military
service on
calling out
and
embodiment.

19. No person called out under clause (a), or embodied under clause (b), of section 18 shall be required to perform military service beyond the limits of the prescribed military area in which the corps or unit to which he has been appointed or is for the time being attached is located, save when it is, in the opinion of the senior military officer present, necessary to proceed beyond those limits in the course of the military operations upon which the corps or unit or any portion thereof is for the time being engaged.

Duration of
military
service on
calling out
or
embodiment.

20. Any portion of the Auxiliary Force, India, which, having been called out or embodied under section 18, is performing military service, shall be replaced by regular troops or otherwise as soon as circumstances permit, and shall not be required to perform such service after such replacement has been effected to the satisfaction of the senior military officer present or after the cancellation of the order or notification under clause (a) or (b), as the case may be, of section 18.

Application
of the Army
Act.

21. 1[(1)] Every commissioned officer of the Auxiliary Force, India, when doing duty as a commissioned officer, and every non-commissioned officer and man of the said Force—

(a) when attached to or otherwise acting as part of or with any regular forces, and

(b) when called out by an order, or embodied by a notification, under section 18,

shall be subject to the provisions of the Army Act and any orders or regulations made thereunder, and the said Act, orders and regulations shall apply to every such person in the circumstances aforesaid as if the same were enacted in this Act, and as if such person held the same rank in His Majesty's Army as he holds for the time being in the said Force.

2[(2)] Where an offence punishable under the Army Act has been committed by any person whilst subject to that Act under the provisions of sub-section (1), such person may be taken into and kept in military custody and tried and punished for such offence, although he has ceased to be so subject as aforesaid, in like manner as he might have been taken into and kept in military custody, tried or punished if he had continued to be so subject:

¹ Section 21 was renumbered section 21 (1) by s. 3 of the Indian Territorial and Auxiliary Forces (Amendment) Act, 1923 (31 of 1923).

² This sub-section was added by s. 3, *ibid*.

Provided that no such person shall be kept in military custody after he has ceased to belong to the Auxiliary Force, India, unless he has been taken into or kept in military custody, on account of the offence before the date on which he ceased so to belong, nor shall he be kept in military custody or be tried or punished for the offence after the expiry of two months from that date, unless his trial had already commenced before such expiry.]

22. If any person liable to perform military service under this Act fails to comply with an order or notification under section 18 calling him out or embodying him for military service, any District Magistrate or Chief Presidency Magistrate may, on the application of the competent military authority or of an officer empowered by such authority in writing in that behalf, cause such person to be arrested before him, and, if the Magistrate is satisfied that such person has refused to appear for military service

without lawful excuse (the Magistrate may be upon such person) neglects—

Penalties for breach of sections 8, 14 and 16.

(a) to comply with any order under section 8; or

(b) to attend for medical examination, or to comply with the directions of the medical officer, as required by section 14; or

(c) to notify any change of residence as required by section 16;

shall be punishable with fine which may extend to fifty rupees.

24. An enrolled person commits an offence if he, in circumstances when he is not subject to military law, does any of the following acts, namely:—

(1) when on parade or undergoing military training or wearing His Majesty's uniform—

(a) strikes, or uses or offers violence to or uses threatening or insubordinate language to, or behaves with contempt to, his superior officer; or

(b) disobeys any standing order of, or lawful command given by, his superior officer; or

Other offences.

(c) neglects to obey a general or garrison order made specially applicable to the Auxiliary Force, India, by the competent military authority; or

(d) is in a state of intoxication; or

(e) being a non-commissioned officer strikes or ill-treats any person subject to military law or to this Act, or to the Indian Territorial Force Act, 1920, who is his subordinate in rank ^{XLVIII of 1920.} or position;

(2) without sufficient cause fails to appear at the place of parade at the time fixed or to attend at any place in his capacity as a member of the Auxiliary Force, India, when duly required so to attend, or when on parade without sufficient cause quits the ranks;

(3) without sufficient cause fails to perform any part of the training which by or under this Act he is required to perform;

(4) strikes, or uses or offers violence to, any person whether subject to military law or not in whose military custody he is placed, and whether such person is or is not his superior officer;

(5) resists an escort whose duty it is to arrest him or detain him in military custody;

(6) being under arrest or detention or otherwise in lawful military custody escapes or attempts to escape;

(7) when in charge of any property belonging to Government or to a corps or unit of the Auxiliary Force, India, makes away with, or is concerned in making away with, any such property;

(8) wilfully injures, or by culpable neglect loses or causes injury to, any such property as is mentioned in clause (7);

(9) wilfully ill-treats a horse or other animal used in the public service;

(10) knowingly furnishes a false return or report of the number or state of men under his command or charge, or of any money, arms or ammunition, clothing, equipment, stores or other property in his charge;

(11) through design or culpable neglect omits to make or send any return of any matter mentioned in clause (10) which it is his duty to make or send;

(12) when it is his official duty to make a declaration respecting any matter, makes a declaration respecting such matter which he either knows or believes to be false or does not believe to be true;

XLVIII of
1920.

(13) knowingly makes against any person subject to military law or to this Act or to the Indian Territorial Force Act, 1920, an accusation which he either knows or believes to be false or does not believe to be true;

(14) falsely personates any other person at any parade or on any occasion when such other person is required by or under this Act to do any act or attend at any place, or abets any such act of personation.

25. (1) Any person committing any of the offences specified in sub-clauses (b), (c) and (d) of clause (1) or in clauses (2), (3), (8), (11), and (14) of section 24 shall be punishable with fine which may extend to two hundred rupees. Punishment for offences under section 24.

(2) Any person committing any other offence specified in section 24 shall be punishable with imprisonment which may extend to two months, or with fine which may extend to two hundred rupees, or with both.

26. The competent military authority may in his discretion dismiss any enrolled person from the Auxiliary Force, India. Dismissal.

27. The Governor General in Council may prescribe summary and minor punishments for offences under section 24 or for contravention of any rule or regulation made under this Act to which enrolled persons shall be liable without the intervention of a Criminal Court, and the officer or officers by whom and the circumstances in which and the extent to which such summary and minor punishments may be inflicted, and the manner in which any such punishment may be enforced: Summary and minor punishments.

Provided that no punishment involving any kind of imprisonment

Insertion of
new section 27A
in Act XLIX
of 1920.
Prescribed as
a certain docu-
ment.

5. After section 27 of the said Act, the following section shall be inserted, namely:—

“27A. Where any non-commissioned officer or man of the Auxiliary Force is required, by or in pursuance of any rule, regulation or order made under this Act, to attend at any place, a certificate purporting to be signed by the prescribed officer stating that the person so required to attend failed to do so in accordance with such requirement, shall, without proof of the signature or appointment of such officer, be evidence of the matters stated therein.”

—, 1920, 11111,
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(within the meaning of section 4, who shall be appointed annually by, or under the orders of, the Local Government.

(2) Any Advisory Committee constituted for a prescribed military area or a part thereof, as the case may be, which includes a Presidency-town or any other place to which the Governor General in Council may, by order in writing, declare this sub-section to apply,¹ shall consist of not less than five members, of whom not more than two shall be persons in the service of Government.

(3) The Governor General in Council shall prescribe the duties, powers and procedure of Advisory Committees and, in particular, the matters in respect of which the competent military authority shall be bound to give effect to a recommendation of an Advisory Committee unless the Local Government otherwise directs.

Constitution
and
disbandment
of units.

29. The Governor General in Council may constitute² any corps or unit and may disband any corps or unit constituted under this Act.

Power to
make rules.

30. (1) The Governor General in Council may make rules³ to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may—

- (a) provide for the appointment of enrolling officers;
- (b) prescribe military areas for the purposes of this Act;
- (c) prescribe the manner in which and the conditions subject to which European British subjects and other persons who are not British subjects may offer themselves for enrolment under this Act;
- (d) define the manner in which and the conditions under which persons or any class of persons liable to military service under this Act may be excused from being called out or embodied;
- (e) prescribe the military training to be undergone by persons liable to military training under section 6 but not to military service under section 7;

¹ For notification applying the provisions of this sub-section to the towns of Rangoon and Karachi, see Gen. R. and O., Vol. IV, p. 599.

² For notifications under this section, see Gen. R. and O., Vol. IV, pp. 599—607.

³ For notification publishing The Auxiliary Force Rules, 1920, see *ibid*, p. 607.

- (f) prescribe the rates of pay for, and provide for the grant of allowances to, persons liable to perform military service under this Act;
- (g) prescribe for any military area which is a railway area or for any area beyond the limits of British India the authorities which shall be deemed respectively to be the local Government and the District Magistrate for all or any of the purposes of this Act, and
- (h) provide for any other matter which under this Act is to be or may be prescribed
- (3) Any rule made under this section may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees
- (4) The power to make rules conferred by this section shall, except on the first occasion of the exercise thereof, be subject to the condition of previous publication
- (5) All rules made under this section shall be published in the Gazette of India, and on such publication shall have effect as if enacted in this Act

31. The Commander-in-Chief of His Majesty's forces in India may make regulations consistent with this Act and the rules made thereunder providing generally for details connected with the organisation and personnel of the Auxiliary Force, India, and for the duties, equipment, military training, allowances and leave of enrolled persons

32. For the purposes of sections 128, 130 and 131 of the Code of Criminal Procedure, 1898, all officers, non-commissioned officers and men liable to perform military service under this Act who have been appointed to a corps or unit shall be deemed to be officers, non-commissioned officers and soldiers, respectively, of His Majesty's Army

33. Save as otherwise provided by section 27, no offence under this Act shall be tried save by a Court not inferior to that of a Presidency Magistrate or a Magistrate of the first class

34. No enrolled person shall be liable to pay any municipal or other tax in respect of a horse, bicycle, motor-bicycle, motor car or other means of conveyance which he is authorised by a general or special order of the competent military authority to maintain in his capacity as a member of the Auxiliary Force, India

section 1,
XI of
1878.

35. In section 1 of the Indian Arms Act, 1878, for the words and figures "a volunteer enrolled under the Indian Volunteers Act, 1869," the words and figures "a member of either of the forces constituted by the Indian Territorial Force Act, 1920, or the Auxiliary Force Act, 1920," and for the word "volunteer" the word "member," shall be substituted.

36. [Repeals.] Repealed by the Repealing Act, 1927 (12 of 1927.)

SCHEDULE I.

(See sections 9, 11, 12, and 15.)

TRAINING.

1. Preliminary—	
(a) for infantry . . .	32 days, and the annual musketry course as laid down in regulations.
(b) for other branches . . .	40 days, and the annual musketry or gun course as laid down in regulations.
2. Periodical—	
(1) Active class—	
(a) for infantry . . .	16 days in each training year, and the annual musketry course as laid down in regulations.
(b) for other branches . . .	20 days in each training year, and the annual musketry or gun course as laid down in regulations.
(2) First (A) Class Reserve—	
(a) for infantry . . .	6 days in each training year, and the annual musketry course as laid down in regulations.
(b) for other branches . . .	10 days in each training year, and the annual musketry or gun course as laid down in regulations.
(3) Second (B) Class Reserve—	
(a) for infantry . . .	} The annual musketry course as laid down for this Class in regulations.
(b) for other branches . . .	

NOTE.—(cf. section 15).—A day consists of four hours of actual military drill or action and may be made up of fractions of a day not more than four in number.

[SCHEDULE II.]

[Enactments repealed.] Repealed by the Repealing Act, 1927 (12 of 1927.)

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Amendment
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